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IRAQI FOREIGN MINISTER CALLS FOR END TO INTERNATIONAL ECONOMIC BLOCKADE

Secretary-General of Organization of Islamic Conference Says International Action Needed in Bosnia and Kashmir

GENEVA, 17 February (UN Information Service) -- The Minister for Foreign Affairs of Iraq told the Commission on Human Rights this morning that the economic blockade imposed on his country in the wake of the 1991 Gulf war was causing major damage to the health and human rights of its citizens. Mohammed Said Al-Sahaf called for the Commission to renounce "the use of the weapon of economic sanctions and the policy of starvation" by the international community against Iraq.

Like no other issue, human rights had a double standard and "tempermental, selective approach" applied to it, Mr. Al-Sahaf added. He charged that while violations continued and even escalated in the Arab territories occupied by Israel and in the former Yugoslavia, the world's "big Powers" stood by, while human rights were being used as an excuse to impede Iraq's development plans and interfere in its internal affairs. The international blockade had increased infant mortality in the country, caused shortages of medicine, led to epidemics, and caused huge price increases in basic commodities. The blockade "totally contravened" the fundamental principles of human rights, he stated.

Also this morning, Hamid Algabid, Secretary-General of the Organization of the Islamic Conference, said the Islamic faith taught tolerance and respect for one's fellow man. The Islamic Conference was dedicated to promoting human rights and it called for international efforts to protect threatened Muslim populations in Bosnia and Herzegovina and the disputed Indian territories of Jammu and Kashmir, he said. The Islamic Conference hoped fervently for the successful completion of the peace process under way over the fate of occupied Palestine.

In addition to hearing those statements, the Commission continued its discussion of the human rights of prisoners and detainees. The representative of the member State of Malawi spoke, as did the observer from Senegal, and the following non-governmental organizations also made statements: the

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International Association of Educators for World Peace, the World Movement of Mothers, the Indian Institute for Non-Aligned Studies, the International Movement for Fraternal Union among Races and Peoples, the Arab Organization for Human Rights, the World Organization against Torture, and the International League for the Rights and Liberation of Peoples.

Also this morning, the Chairman announced that next Tuesday afternoon, 22 February, the Commission will consider suggestions on possible changes in its agenda.

Statement by Iraqi Foreign Minister

MOHAMMED SAID AL-SAHAF, Minister for Foreign Affairs of Iraq, said that Iraq believed that respect for human rights was a fundamental fact of life. But differences in concepts had occasionally meant that accusations of human rights violations were made against this or that country when there had not been any differences as to the belief in those rights and in the obligation to respect them. What actually happened was that human rights issues were used as a political weapon to destabilize the political systems of States, interfere in their internal affairs, and seek to destroy their unity and fragment their social fabric, as had been the case in many parts of the world, including Iraq. No other issue had witnessed such a double standard and selective approach.

Evidence to that effect, he continued, was that the Commission had been continually aware of the horrific human rights violations practised by Israel in Palestine and the other occupied Arab territories. In view of the failure of the international community to implement United Nations resolutions, Israel had arrogantly continued to intensify its violations. The world witnessed today what was happening in the former Yugoslavia, while the United Nations stood by, incapable of bringing a solution to the tragedy, due to the positions taken by the big Powers which continued to pursue policies of double standards and selectivity.

The human rights card, he continued, had been used as a weapon to impede Iraq's development plans and to hamper the implementation of its national programme for the establishment of its institutions of democracy and human rights. A new Constitution for Iraq had been drafted and discussed. Many of the extraordinary decisions and acts of legislation that Iraq had found necessary to adopt during its defensive battle against the Iranian war of aggression, he said, were reviewed and many had been abandoned. In short, the advent of a new era of political pluralism was announced. But no sooner had that new situation begun to flourish in the country than it was greatly undermined by the all-out war of aggression launched against Iraq on 17 January 1991.

The Foreign Minister said the crime of genocide continued against Iraq through the deliberately prolonged blockade imposed on it. Among the ongoing grave consequences of the blockade were the continuous deterioration of the food situation, with food at dangerously low levels, shortages in medicines and other medical requirements, and deterioration of clinical services due to

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the spread of epidemics and other diseases. The lifting of the iniquitous blockade was a humanitarian responsibility to be shouldered by all, he said, including the Commission. Iraq called upon the Commission to renounce the use of economic sanctions and the policy of starvation against Iraq which contravened the fundamental principles of human rights that the Commission endeavoured to ensure.

Statement by Secretary-General of Organization of Islamic Conference

HAMID ALGABID, Secretary-General of the Organization of the Islamic Conference, said the Islamic faith taught tolerance and respect for one's fellow man, and the Islamic Conference was dedicated to promoting human rights. Recent geopolitical changes meant there was an opportunity to create a better world, but many people were still struggling. Palestinians continued to fight for their right to self-determination and the Islamic Conference hoped with all its heart for the successful completion of the peace process there. In the case of Bosnia and Herzegovina, it was time to take active measures to halt the bloodshed and the genocide directed against Muslims. The latest decision by the North Atlantic Treaty Organization (NATO) was welcomed by the Islamic Conference, but the international arms embargo must be lifted -- Bosnians were entitled to the right to self-defence.

In Jammu and Kashmir, Indian security forces continued to suppress the right to self-determination and to violate human rights with impunity, he went on. The United Nations resolutions must be used as a basis for ending the suffering, and India must allow fact-finding missions, including one from the Islamic Conference, to visit the region. Civil strife, ethnic tensions and persecution of minorities, were challenges that could not be defeated without joint effort. Attention to the right to development, and economic support for it, were necessary to eliminate the root causes of many of those conflicts, Hamid Algabid said.

Statements in Debate

NGAWANG CHOEPHEL, representative of the International Association of Educators for World Peace, said 422,710 Tibetans had perished under political detention between 1949 and 1979 according to Tibetan documents released in India. The significant increase in political detention in Tibet during 1993 was particularly disturbing as it resulted in more cases of torture, unfair trials, involuntary disappearances, and administrative and incommunicado detentions. Since there were no independent observers or human rights organizations based in Tibet and the Chinese authorities refused to give details of arrests, many political detainees remained unidentified and their fate and whereabouts unknown.

Under Chinese rule in Tibet, prisoners were not informed of the grounds of their arrest and their right to legal protection, the speaker said. Despite China's ratification of the Convention against Torture, the use of torture on Tibetan political prisoners was routine and went unchecked. New independent reports on the situation in one area of Tibet said that today 60 per cent of imprisoned persons were being held without trial. The

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non-governmental organization urged the Commission to show serious concern and take effective measures to stop further violations of human rights in Tibet and in China and to urge China to allow the International Committee of the Red Cross (ICRC), the Working Group on Arbitrary Detention and non-governmental organizations to visit prisons and labour camps in Tibet.

CAROLINE HANDSCHIN, of the World Movement of Mothers, said mothers and children were too often the innocent victims of bloody conflicts and cruel repression that dishonoured humanity. That cruel and degrading treatment described in United Nations reports, including massacres, imprisonments, disappearances and unimaginable situations must be stopped. She went on to ask why should the elderly, women and children become preferred targets used to resolve problems between brothers who had become enemies? Those groups were used as targets for vengeance and racial, religious or ethnic hatred. Life was too short and the World Movement of Mothers could not condone systems where violence was deployed to impose a regime or an idea.

AJAY CHRUNGOO, of the Indian Institute for Non-Aligned Studies, said that more than 300,000 persons -- mostly Kashmiri Hindus -- had been forced to leave Kashmir valley in 1990 to escape persecution at the hands of terrorists. Terrorist violence in Kashmir had succeeded in "cleansing" the valley of its Kashmiri Hindu minority. The terrorist violence in Kashmir was a continuation of the religious fundamentalist movement for the homeland of Pakistan, which claimed Kashmir on the basis of its Muslim majority.

A spate of selective killings of the innocent Kashmiri Hindu minority took place in Habbakadal starting in September 1989 and reached a crescendo in February and March 1990. Abductions and gang rapes of women had also begun to occur then. There was no doubt, he continued, about Pakistan's direct help to terrorists in Kashmir valley. However, the Kashmiri Hindus were really stunned to see that India, which had a constitutional obligation to protect everybody anywhere in the country, had failed to perform its duty. It also was extremely baffling for all who were direct victims of terrorism in Kashmir that human rights representatives could not pay even a single visit to the so-called camps where thousands of families were living since 1990.

ESTELLA BARNES DE CARLOTTO, of the International Movement for Fraternal Union among Races and Peoples, said that in spite of the fact that Argentina had had democracy for 10 years, much needed to be done, especially regarding children and young people. For example, hundreds of children had disappeared under the previous dictatorship and had not been returned to their biological parents. The judiciary had a legal interest in prosecuting those responsible, yet it made contradictory decisions. The children should be given priority. The children continued to be the prisoners of those who took them, as in the case of Emiliano Carlos Castro Tortrino, although some children had been returned to their biological parents. She appealed to Governments throughout the world to do what they could to resolve the matter.

ADIB AL-JADIR, of the Arab Organization for Human Rights, said his organization emphasized that special attention must be given to fundamental rights such as the right to life and safety of person, the right to a fair

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trial, and insisted on refusal of arbitrary justice, or the ruling on civilian cases in military courts. One week following the conclusion of his organization's general assembly, Mansour Al-Kikhia disappeared in Cairo. He called on all peace-loving movements and Governments and all those concerned with human rights, to spare no effort to save the life of Mansour Al-Kikhia and to guarantee his safety.

Mr. Al-Kikhia was a prominent human rights defender, a founding member of the Arab Organization for Human Rights, the largest regional organization in the Arab world. Fears existed, however, Mr. Al-Kikhia went on to say, that the Working Group on Enforced and Involuntary Disappearances would deal with this case in a typical United Nations bureaucratic manner. The lives of those involved could not wait for this, and urgent action was necessary as in all other cases involving disappearances. He hoped the High Commissioner for Human Rights would deal with the case of Mr. Al-Kikhia immediately and at the highest levels to save his life as well as the lives of thousands of others.

FERNANDO MEJIA, of the World Organization against Torture, said many of the 7,000 victims of serious human rights violations whose plight concerned his organization had been illegally detained. Allegations of torture had been levelled at Bangladesh, Chile, Comoros, Honduras, India, Iran, Israel, Morocco, Myanmar, Nicaragua, Nigeria, Pakistan, Panama, Russian Federation, Rwanda, Sudan, Thailand and Togo. In China, Costa Rica, Chad, Haiti, Nepal, Syria, Sudan and Zaire, the practice of torture had been claimed to be the reason for at least one death in custody. In Spain, an increase of torture and maltreatment of Basques, had been noted recently. In Colombia, 10 politically-motivated deaths allegedly occurred every day. An increase in illegal detention and summary execution had been noted as part of a general deterioration of the human rights situation in that country.

In Turkey, he went on to say, in spite of signs of increasing respect for human rights, Kurdish people were still subject to human rights violations -- summary execution, detention and torture. In Egypt, a situation existed which was cause for concern. Torture, detention and impunity from punishment existed, and a similar situation existed in Peru although the number of cases had decreased. In Mexico, indigenous peoples, allegedly linked to the Zapatista organization had been detained and, it had been suggested, sometimes tortured in custody.

MIRIAM MALUWA (Malawi) said that Malawi was seriously considering acceding to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and a decision to that effect should be made within the course of the year. Malawi welcomed the elaboration of an Optional Protocol on that important subject. However, the proposed additional reference to non-intervention and sovereignty would diminish the clarity of the central obligation of the Protocol. She urged the Working Group to look into the possibility of having a decentralized system which would, among other things, utilize the available regional mechanisms for visits to prisons of the State parties. Malawi was currently carrying out some reforms in its criminal justice and administration systems and would permit the ICRC to visit its prisons. The Government was also in the process of reforming the traditional

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court system. Parliament had passed a general amnesty act to allow all Malawian political and religious exiles to return home and to participate fully and freely in the political process.

IBRA DEGUENE KA (Senegal) said the ban on torture had become a basic law binding on all people in national and international life. However, it was vital to encourage all States to ratify international instruments prohibiting torture and accept the rulings of the monitoring bodies related to them. The best way to combat torture was to have access to detention centres. He paid tribute to Jorge Rhenan Segura for his work with the Group of Experts and stated that cooperation and effectiveness should be important elements of the Protocol. Senegal was open to suggestions on how the experts ought to be chosen, including by the Commission or by States. His Government wanted to affirm that every possible action be undertaken to eliminate torture.

LUISA DEGIAMPIETRO, of the International League for the Rights and Liberation of Peoples, said she called the attention of the Commission again to the conditions of prisoners throughout China and especially in Tibet. Despite China's commitment to international human rights law, there had been no progress in the human rights situation there throughout 1993, and the Government was still "tightly controlling" religion in Tibet and torturing Tibetan prisoners of conscience. The goal seemed to be extermination of Tibetan cultural and religious specificity and the complete assimilation with Chinese culture. The year 1993 had been mainly characterized by an increase in the number of political prisoners in Tibet, she said, urging the Commission to press the Chinese Government to abide by the international instruments it had ratified and to allow access to the region in question to monitoring non-governmental organizations.

In addition, she continued, the daily worsening situation of Albanians living in Kosova, whose civil and political as well as economic rights were systematically violated was also particularly worrying. The repression by the Serbian police had become unbearable. The Commission should ask the Serbian Government to release political prisoners, respect international human rights law and allow in practice, not only in theory, the access of non-governmental organizations to the province.

JOSE BURNEO, of the Commission of the Churches on International Affairs, said the failure to act in response to human rights violations was adding to distress and misery. The Commission could make a difference, if only it would respond. It was more difficult for enforced disappearances and other violations to occur if countries knew the international community was watching. Guatemala, El Salvador, Peru and Colombia led the world in numbers of disappearances. In Peru and Colombia, Special Rapporteurs were needed. Governments there simply were not dealing with or reducing human rights abuses. In Peru, one could not justify the restriction of democracy to save democracy. Impunity from punishment was a great problem there as it was in Guatemala.

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ETHIOPIAN SPECIAL PROSECUTOR ADDRESSES COMMISSION ON HUMAN RIGHTS

Debate on Torture and Prisoner's Rights Continues

(Delayed in transmission.)

GENEVA, 17 February (United Nations Information Service) -- The Chief Special Prosecutor of Ethiopia, Girma Wakjira, told the Commission on Human Rights this afternoon that Ethiopia had been slow to serve justice on the accused of the past regime, but the international community's response to its request for assistance had also been slow. It was well known, he said, that the United Nations Tribunal to Investigate War Crimes in the former Yugoslavia was supported with a budget of $30 million a year. His office was carrying out its work with a budget of a mere $250,000 to deal with human rights violations committed over a 17-year period.

He added, however, that the trials of the 800 people accused of involvement in crimes of the past regime and detained since 1991 would begin in May. Some people thought that countries such as Ethiopia could not afford to deal with the past, but the opposite was true. It had to deal with the past to prevent old wounds from festering and infecting society for years to come. It could not afford a lack of confidence in democratic institutions like the courts.

In an extended meeting, the Commission continued its debate on torture and disappearances. Some States recalled that every Government had the means at its disposal to eliminate torture. Torture's persistent existence was testimony to a failure of political will. A legal system without institutional safeguards to restrain law enforcement officials and with impunity for perpetrators bred a climate where torture was possible, other speakers said.

One of the many non-governmental organization representatives speaking this afternoon called on the Commission to appoint a Special Rapporteur on the independence of the judiciary and the legal profession to monitor, investigate and report on allegations of harassment and persecution of judges and

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lawyers. Another called for an annual comprehensive United Nations report on human rights, preliminary discussions on which took place at the World Conference on Human Rights held last year in Vienna. Several non-governmental organizations noted that in addition to country mechanisms, the thematic mechanisms which the Commission had created were among the most worthwhile tools that it had to halt persistent and grave human rights violations around the world.

Also speaking at the meeting were the representatives of Kenya, Australia, China, India, Russian Federation, United Kingdom, Sri Lanka, Costa Rica, Turkey, Czech Republic, Denmark (on behalf of the Nordic countries) and Switzerland. Pakistan, Iraq, Spain, India, Kenya, China and Cuba spoke in exercise of the right of reply.

The following non-governmental organizations participated in the debate: World Christian Life Community; Habitat International Coalition; Andean Commission of Jurists; Article 19 -- International Centre against Censorship; International Fellowship of Reconciliation; International Commission of Jurists; International Falcon Movement; Service Peace and Justice in Latin America; Lawyers Committee for Human Rights; and Amnesty International.

Statement by Ethiopian Chief Special Prosecutor

In his statement this afternoon, Mr. WAKJIRA, Chief Special Prosecutor of Ethiopia, said that after a number of cruelties carried out from 1974 to May 1991 against the Ethiopian people, the dictatorial regime of Mengistu Haile Mariam collapsed in 1991 and the Ethiopian People's Revolutionary Democratic Front came to power. It was still the goal of the Government to create a democratic country. The Transitional Charter of Ethiopia, presently the basic law, guaranteed individual's rights and even went so far as to integrate into the document the Universal Declaration of Human Rights. In a country with an authoritarian history, where a culture of rights and democracy was just beginning to develop, the odds were against the ability to create a democratic State. Ethiopia remained however, firm and confident.

The Government, the victor in the war of liberation from oppression and systematic human rights violations, had a spectrum of options available to it, he said. If vengeance and resources were the main motivations, the process could have had a different outcome. Thousands of ex-officials implicated in atrocities by witnesses, the families of victims and by Government documents, were detained. For a resource-strapped country with no working court system and a clear priority of establishing peace and stability, it was difficult to determine what should be done with the accused. The Transitional Government of Ethiopia did not have the financial or legal resources to deal with the past.

Nevertheless, he went on, the Office of the Special Prosecutor was established two years ago with a dual purpose: to create an historical record of the abuses of the past regime and to bring those reponsible for criminal abuses to justice. It began reviewing the cases of the detained and began to construct a global understanding of the phenomenon immediately after its

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personnel were hired. By April 1993, almost 90 per cent of the detained had filed writs of habeas corpus.

Ethiopia was now moving forward, he said. Its courts were becoming better prepared to deal with the cases before it and the Transitional Government was forming an Office of Public Defence to enable the accused to be represented; it was trying to ensure that its laws and procedures met international standards. The long-awaited trials would begin in May. The recent support enabled Ethiopia to make a clear break from the past. It would be able to make the necessary policy decisions and, most importantly, it would be able to create some faith in a fundamental prerequisite to democracy: the rule of law.

Other Statements

D.D.C. DON NANJIRA (Kenya) said he strongly supported the purpose of administration of justice in human rights, which was to strengthen the national and regional capacities of States and thereby enable them to deal more effectively with the promotion and protection of human rights. To achieve this objective, financial, technical and material support should be extended to the needy countries of Africa, Asia and Latin America and the Caribbean, as well as to the United Nations bodies directly concerned with the question of human rights. More specifically, the United Nations Centre for Human Rights should be given additional resources and encouraged to enhance its advisory services to the developing nations. It was essential that, on an increased scale, training, courses, symposia, seminars, public information and education activities be organized for the personnel and other relevant people concerned with human rights promotion and the administration of justice.

Developing States should incorporate in their national development plans the sub-items of administration of justice, he urged. The donor community and all Governments of the developed States and others in a position to do so should provide sufficient financial, human and other resources to the Centre for Human Rights to enhance its capacity to perform its duties more effectively. The regular United Nations budget for the Centre should also be increased. Kenya had embarked upon a major programme of strengthening its system of administration of justice, including the training of judges and law enforcement officers to match the internationally recognized norms and standards. The Centre for Human Rights and the donor community should assist it in this essential endeavour.

HERNANDO HERRERA ANAYA, representative of the World Christian Life Community, said that when a whole community suffered, it was probable that impunity existed. In Colombia, which had one of the most violent records in the world, there existed, among other things, torture, extra-judiciary execution, attacks on minorities and violations of the rights of children and women. This situation required the appointment of a Special Rapporteur. Impunity arose when fundamental freedoms were applied indiscriminately on the grounds of nationality, political status or other arbitrary factors. When there was no education regarding human rights, impunity had more fertile ground to exist. Furthermore, impunity flourished when less developed

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countries suffered under long-term debt. Impunity had various forms of machinery, including the judicial system.

Representatives of the Habitat International Coalition said many communities across the world had resisted forced evictions and had to face the prospect of receiving no compensation if evicted, of having community leaders murdered and of States tolerating, and at times directly being involved in, providing impunity for the perpetrators. For example, in Rio de Janeiro, community leaders had been murdered over the past five years due to land conflicts in the region, as the communities began to form an organized resistance movement to gain rights to their lands. Many were killed in the struggle against forced evictions and for human rights. The murders were carried out by professional extermination groups, there was no investigation, and all the documentation was held in sealed police files. The rising impunity against the indigenous people's street children and settlers of low-income urban areas of the country appeared to be a consistent pattern of human rights violations. The delegation feared that a worse action of violence and forced eviction would happen in the next few days.

RUTH TREYDE (Australia) said that the phenomenon of "disappearance" had become a major human rights problem over the past few decades. The number of disappearances being followed up by the Working Group stood at 33,843 and the obvious inadequacy of resources was of concern. Australia supported the proposal for a special process to be entrusted to the Special Rapporteur on the situation of human rights in the former Yugoslavia in a joint mandate with one member of the Working Group. In addition, the mandate of the Special Rapporteur on the question of torture was one of the most important of the thematic mechanisms. Two key factors involved in the systematic practice of torture were a legal system that did not provide institutional safeguards to restrain law enforcement officials and security forces from resorting to illegal and abusive behaviour and the de jure or de facto impunity enjoyed by those conducting the torture. Australia agreed with the Special Rapporteur that the elimination of torture was a matter of political will. The Optional Protocol should be aimed at prevention and the Subcommittee to be established under terms of this document should be independent, impartial and work together with States in a spirit of cooperation.

TAN SONGQIU (China) said that the Chinese Government stood for the rejection and prohibition of torture and provided for its strict prohibition through its legislation. However, since acceding to the Convention, China had been working to improve its legislation in prohibiting torture, coupled with unrelenting efforts to strengthen the supervisory institutions to place the conduct of the State functionaries under effective supervision. Since 1988 the Government had launched a nationwide campaign aimed at enhancing legal awareness among the population and at encouraging citizens to make complaints on acts violating the law. Moreover, the State had called upon the law-enforcement organs to formulate their internal regulations to fulfil their legal obligations. The Government attached great importance to the implementation of the Convention and was ready to work with the international community through better legislation and strict implementation.

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GUNDUZ AKTAN (Turkey) said that in 1993 alone, terrorists had indiscriminately killed more than 1,200 civilians in Turkey, almost twice as many as the casualty figure of the security forces. Terrorism's victims were overwhelmingly Kurdish. Turkey considered terrorist warfare as falling in the category of "crimes against humanity" in accordance with Nuremberg Principle Number VI. Except for article 3, common to the Geneva Conventions which had a limited scope and effect, no international law instrument existed for internal conflicts. Contrary to international law, the human rights approach to internal conflict put emphasis only on the human rights of terrorist suspects, while not protecting innocent civilians from the ravages of terrorist war and not prohibiting terrorism as a method of combat. Had the Commission ever uttered a word of consolation for the massacred innocent civilians which, according to law, was the gravest human rights violation? Had it ever appointed a Special Rapporteur on this topic?

ZDENEK VENERA (Czech Republic) said that the legal order of the Czech Republic did not allow any exception to the prohibition of torture and other similar treatment or punishment. The prohibition was absolute and unconditional in the entire territory of the country and under any circumstances. Neither the bodies of State administration nor any independent organizations, including Amnesty International, had registered in the Czech Republic any cases of torture or other phenomena defined in Article 1 of the Convention against Torture. Torture was the grossest form of violation of human integrity. Wishing to help the victims of torture, the Czech Republic contributed at the beginning of this year towards the United Nations Voluntary Fund for the Victims of Torture -- the first ever contribution by the Czechoslovak or the Czech State in the history of the Fund's existence. In addition, the Czech Republic supported the extension of the mandate of the Working Group for a further period of time.

JAKOB ESPER LARSEN (Denmark), speaking on behalf of the Nordic Countries, said that, among other things, torture was a direct attack on democracy. There was ample evidence of the blatant disregard so many Governments showed for human rights, including feedom from torture, in their own countries. All States which had not done so should fully implement the United Nations Convention against Torture and contribute actively to strive for the early adoption of an optional protocol to the Convention. In addition, further thought should be given to how to effectively protect physicians from becoming directly or indirectly involved in acts of torture. Situations where torture was systematically practised were characterized by the fact that the legal system did not provide the institutional safeguards needed to restrain law enforcement officials and members of security forces from resorting to abusive and illegal behaviour, and those conducting the torture enjoyed *de jure* or *de facto* impunity.

The Nordic Countries urged all Governments to declare that they recognized the competence of the United Nations Committee against Torture to receive communications from individuals claiming that their Government had violated its obligations under the Convention, he said. Assistance to victims of torture was a top priority matter for the Nordic countries, which had donated 50 per cent of the resources of the United Nations Voluntary Fund for

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Victims of Torture, in the period 1982 to 1992. The Nordic countries appealed to all Governments to contribute generously and regularly to the Fund with a view to enhancing its capacity to respond more effectively to the increasing requests for assistance.

WALTER ALBAN, of the Andean Commission of Jurists, said that effective measures were needed to cope with forced disappearances and arbitrary and extra-judicial executions in the Andean region. Much abuse in Peru and Colombia occurred as a result of the emergency powers given to security forces in response to drug trafficking. Torture was a serious and persistent practice in Colombia. In Venezuela, arbitrary detention, especially after protest demonstrations, was a cause for concern -- the intent clearly was to control political dissidence. Torture in the country by police and security services had increased alarmingly. In Ecuador, there were frequent arbitrary arrests. Peru over the past few years had had the greatest number of disappearances in the world; torture was widespread and police and security forces violated rights with impunity.

JAN BAUER, representative of Article 19 -- International Centre agaisnt Censorship, discussed "the use and abuse of law by Governments". In Turkey, for example, the Anti-Terror law defined terrorism broadly, requiring no evidence of violence, becoming a primary tool for taking action against anyone who criticized the Government. Furthermore, the policies of Governments and the reaccions of non-governmental parties created and perpetuated a cycle in which the right to freedom of opinion and expression was consistently violated. For example, in Algeria, Islamists had openly threatened foreigners and intellectuals, and some 16 writers and journalists has been murdered between March and December 1993. The Government's response had been to curtail press freedom under emergency regulations.

The international community had been extremely muted in its criticism of Government tolerance of, and apparent complicity in, political violence by groups such as the Kalenjin warriors in Kenya and the Nyau secret society in Malawi. If such acceptance continued, it would seriously compromise the capacity of the High Commissioner for Human Rights to implement an early warning system that could provide clear indications of the need for action before situations deteriorated into those such as they now saw in the former Yugoslavia, Liberia and Somalia. His organization urged the Commission to continue the discussions that were held within the context of the World Conference on Human Rights and to agree on how a comprehensive annual United Nations report on human rights might be mandated.

ETSURO TOTSUKA, of the International Fellowship of Reconciliation, said that the rejection by the Tokyo District Prosecutor's Office contradicted the acknowledgement made by Japan at the last session of the Subcommission on the Prevention of Discrimination and Protection of Minorities regarding the enslavement of the "comfort women" by the Japanese Imperial forces and Government during the Second World War. Japan was duty bound to punish those responsible for the crimes and if the crimes were not punishable under its domestic law, Japan had to legislate a new law in order to abide by international law. In fact, Japan had not punished even a single

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perpetrator. This state of non-punishment should be condemned as one of the worst examples of de facto impunity in history.

MONA RISHMAWI, representing the International Commission of Jurists and its Centre for the Independence of Judges and Lawyers, called on the Commission to appoint a Special Rapporteur on the independence of the judiciary and the legal profession. Fundamental human rights and liberties could only be preserved in a society where the judiciary and the legal profession enjoyed freedom from interference and pressure. The fifth annual report of her organization, entitled "Attacks on Justice", catalogued the harassment and persecution of 352 jurists in 54 countries. The Special Rapporteur should monitor, investigate and report on individual cases; examine the contexts in which violations of legal and judicial independence occurred and identify the defects responsible for them; guide the United Nations Advisory Services and Technical Assistance programmes; and examine issues, such as justice and situations of emergency. With regard to the question of "disappearances", her organization was greatly concerned by the discovery of mass graves in Suriyakananda, Sri Lanka, early last month and urged that Government immediately to invite an international team of forensic experts under United Nations auspices to investigate the matter.

HEDAYAT MATINE DAFTARI, of the International Falcon Movement, declared that Iran had been a major violator of human rights. Scores of political detainees had been held in unlimited pre-trial detention; widespread torture and cruel, degrading and inhuman punishments had gone unchecked. Compliance with obligations arising from the International Bill of Human Rights had been grudging, negative and regressive. The role of the Commission on Human Rights in this area was crucial. All human rights violations should be kept under effective scrutiny and, in this case, doors should be opened to Reynaldo Galindo Pohl, the Special Representative. Also, the International Committee of the Red Cross (ICRC) should be invited as an observer. The Government should be urged to extradite the perpetrators of acts of terrorism against Iranian dissidents outside Iran, as well as to set aside all its reservations to the Convention on the Rights of the Child. In the event of non-compliance, there were sufficient grounds to address the case to the appropriate international body, i.e., the Security Council, for imposing effective political and economic sanctions.

RICARDO CHANGALA, representing Service, Peace and Justice in Latin America, said torture, disappearances, extra-judicial executions, and other abuses continued in many countries of the region. Conditions in jails, where people often were held for months without charge, were intolerable. Torture was practised systematically in Colombia and generally ended in death, and the country had not responded during 1993 to requests from the Special Rapporteur for information. The Commission had to find a way to ensure regular visits to places of imprisonment in Latin America. Impunity was a major problem -- in Ecuador, for example -- and the social fabric of democracy could not survive unless this problem was addressed. A fresh study was needed of economic, cultural and social rights.

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CANDAY WHITTOM, of the Lawyers Committee for Human Rights, said he was concerned by the failure of some States to demonstrate support for international standards guaranteeing the right to a fair trial, the independence and impartiality of judges and lawyers, and the physical integrity of detainees. The problem was exacerbated when a detainee was perceived to represent a threat to the Government or its security forces. Areas of concern included threats to the independence of the legal profession, the intimidation of lawyers, denial of adequate access to counsel and the use of coercion to obtain confessions. Examples cited included Kosovo, Northern Ireland, Peru, Tunisia and Turkey. Furthermore, the Subcommission on Prevention of Discrimination and Protection of Minorities should appoint a special rapporteur as a monitoring mechanism for issues relating to the independence and impartiality of the judiciary.

WANG ZENGDUO (China) said Chinese laws stipulated that prisoners were entitled to such civil rights as the rights to appeal, defence, freedom from abuse, and personal safety, among other things, if those had not been suspended or limited by the relevant laws, penal sentences or prison regulations. Beating, corporal punishment and abuses were rigorously forbidden by law and prisoners' access to basic material necessities, labour protection and health care were guaranteed.

The purpose of China's rehabilitation of prisoners through labour reform was to mould them into law-abiding citizens who would live on self-reliance and not others. Although China's economy was still under-developed, as compared with the developed countries, there still existed marked inadequacies in the material conditions in prisons. However, the basic human rights of the prisoners had been effectively safeguarded within the law. As China advanced in its reform and open policies, and as its economy developed, continued improvements in the conditions for the protection of the human rights of prisoners would be seen.

ATAL BEHARI VAJPAYEE (India) said democracy did not necessarily safeguard human rights, but as a system it was the most conducive to allow the individual to live a life of dignity which afforded an opportunity to exercise his human rights including economic, social and cultural rights. India, however, was facing a situation in which its commitment to democracy, rule of law, secular fabric and territorial integrity was being challenged by terrorist violence. In Punjab, terrorist violence had taken a toll of 12,000 lives in the last decade and nearly 7,000 in the last three years. This included more than 2,600 Muslims slaughtered by the terrorists. The systematic religion-based extremism by terrorist elements had resulted in an exodus of 250,000 members of other religious communities from Kashmir Valley to other parts of India. Indeed as many as 50,000 Muslims had also felt compelled to flee the Valley to seek safety in other parts of India.

In this environment, the normal criminal laws of the land and the systems by which they operated had been rendered ineffective and inadequate. The Government, in order to protect the human rights of its citizens, had therefore to enact special legislation. However, in all such special legislation in India, scrupulous care had been taken to protect the rights of

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the individual under the process of law. There were also several procedural safeguards and detainees were released by the courts if those safeguards were breached. There was no provision which guaranteed any form of impunity to the law enforcement and security forces against prosecution or other disciplinary proceedings for any acts done in the exercise of powers conferred in those acts. It was imperative to bring the massive and consistent pressure of world public opinion against terrorists and subversives.

OLEG MALGINOV (Russian Federation) said human rights under emergency conditions, where States deviated from usual standards, should be monitored. The democratic efforts in Russia did achieve something; among other things, torture was prohibited and a truly independent court was being formed. The Russian ombudsman would certainly take into consideration the rights of detainees. Fundamental change, however, had not taken place and regional standard-setting was still a major concern. The situation in places of detention and where punishment took place was also problematic and cases occurred of abuse of office, cruelty against minors, and the acquisition of evidence by unorthodox methods, including torture. The right of accused persons to an adequate defence had to be guaranteed. Nigel Rodley was invited to visit Russia in 1994 to familiarize himself with the legislation. The issue of impunity was discussed.

HENRY STEEL (United Kingdom) reaffirmed the British Government's commitment to securing the abolition of torture and said that its eradication should be a priority issue for the entire international community. The right to freedom of opinion and expression lay at the heart of individual liberty in a free and prosperous society and he shared the deep concern expressed regarding threats against information professionals such as journalists, writers and authors.

It was particularly disturbing, he said, that in approximately half of the cases of arbitrary detention raised by the Working Group this year, the Governments concerned did not even answer the communication forwarded to them. Furthermore, while the cooperation of most Governments was improving on the issue of disappearances, there were still some who had failed to extend even a minimum of cooperation to the Working Group. Governments and the international community needed to stamp firmly on the enjoyment of impunity by the perpetrators of violations of human rights. The willingness of Governments to grapple with this matter was a reliable indicator of whether they were geneuinely committed to protecting human rights within their jurisdictions.

NIHARA E. RODRIGO (Sri Lanka) said his country had consistently cooperated with the mechanisms of the Commission and had maintained a regular dialogue over the years with its Special Rapporteurs and Working Groups. The Commission was aware of the situation which prevailed in Sri Lanka during the reign of terror by the JVP in the south and the situation in the north and the east due to the acts of the Tamil militants. The Government did not wish to seek cover in the terrorist scenario for the continuance of disappearances. The declining trend of reports of disappearances was proof of its commitment to overcome the problem. A Presidential Commission already existed to inquire

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into disappearances occurring after January 1991. The implication in the Commission's report that many young Tamils were arrested from their homes in areas of conflict due merely to the operation of Emergency Regulation 23 was not accurate. A major shortcoming was the reluctance of thematic Special Rapporteurs and Working Groups of the Commission to refer to acts of human rights violations by terrorist groups. The Commission should take an initiative relating to terrorism and human rights.

JAVIER RODRIGUEZ ALPIZAR (Costa Rica) said thousands were still subjected to torture, and the best way to eradicate the practice was prevention. The Working Group had to continue its undertaking, as much progress had been made. A further meeting should make agreement possible on first reading, leading the way towards completion of a draft Optional Protocol to the Convention against Torture. More countries had attended the second meeting of the Working Group than the first; interest and participation were growing. The basis of the Protocol was a system of regular visits to places of imprisonment; its completion and adoption would go a long way towards eradicating torture, as torture generally occurred in places of detention, under conditions of secrecy.

JOHN ANGOL (Sudan) said the complaint by several Governments of the way human rights were being manipulated by other Governments could not be dismissed lightly. The fact that, in many cases, they were being used to interfere in the internal affairs of selected countries could only add to the growing cynicism among international public opinion as to the real motives underlying the professed interest of the Western Powers regarding human rights. The reports presented by the Centre for Human Rights often reflected the political and cultural background of their authors. Recruitment at the Centre could be based on a balanced and equitable geographical distribution.

Many non-governmental organizations were mere fronts, propagating policies which were politically embarrassing to their authors, he said. Others, such as the World University Service, the International Organization for the Development of Freedom of Education, IFOR and the International Association for the Defence of Religious Liberty, had constantly promoted discord between Islam and Christianity and had constantly violated their consultative status by escalating abuses and lies about Islam and everything that was Islamic. With Special Rapporteurs, the responses of certain Governments were taken for granted and were included in their reports in full while the responses of other Governments were abbreviated, shrouded with the doubts of the Rapporteur. This aspect was especially prominent in the reports of Nigel Rodley and Bacre N'Diaye.

PAUL SEGER (Switzerland) said that compared to last year, the situation had not changed very much regarding torture, arbitrary detention and involuntary disappearances. More or less the same countries were primarily responsible for such acts; United Nations mechanisms still suffered from the same lack of personnel and financial resources. This was particularly true with regard to the issue of torture. It was repugnant that torture was still

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frequently and sometimes systematically practised in several countries, even by some who were party to the Convention against Torture and, in one case especially, of the European Convention for the Prevention of Torture.

Unfortunately, the situation had not changed very much regarding enforced disappearances either, despite the adoption of the Declaration by the General Assembly in 1992, he continued. A high number of disappearances remained unresolved. In view of the very grave and urgent situation which prevailed in the former Yugoslavia, Switzerland supported the establishment of a special mechanism for disappearances in that region as proposed by the Working Group. There was practically no change either in the area of arbitrary detention. Too often, Governments abused the state of emergency in order to detain their citizens without due process or any protection whatsoever. Too often, arbitrary detention was used against those who made use of their right to express themselves freely. Switzerland welcomed Viet Nam's decision to invite the Working Group to visit the country and encouraged China to do likewise. He also appealed to Cuba, Indonesia and Zaire to accept on-site visits.

ISABELLE SCHERER, of Amnesty International, said that in addition to the country mechanisms, thematic mechanisms were among the most worthwhile tools that the Commission had created to halt persistent and grave human rights violations in that they allowed investigation, including by on-site visits, and discussion. In China, for example, Amnesty International had submitted information over the last year to the Special Rapporteurs on torture, extrajudicial, summary or arbitrary executions and religious intolerance, and the Working Group on Arbitrary Detention, and had called on the Government to cooperate with the relevant theme mechanisms and enable them to visit the country.

In Peru, since the introduction of wide-ranging anti-terrorism legislation in May 1992, at least 2,000 people had been arbitrarily detained and scores, probably hundreds were being tortured and their "confessions" being used against them in cases heard in camera before civilian and military tribunals, she declared. The Government should invite the Working Group on Arbitrary Detention and the Special Rapporteur on torture to visit to investigate this new pattern of human rights violations. Other examples were Sri Lanka and Zaire. The Commission should create a new sub-item on its agenda to monitor Governments' progress towards implementation of thematic mechanisms. In addition, it should appoint a Special Rapporteur on violence against women and its thematic and country mechanisms should take much greater account of violations that were specific to or primarily directed against women or to which women were particularly vulnerable.

Rights of Reply

SHAFQAT KAKAKHEL (Pakistan) said that a gentleman styling himself as a Kashmiri, representing a non-governmental organization 100 per cent funded by the Government of India, and the representative of India himself, deserved a response to their statements. Everyone sympathized with the situation of the Kashmiri Pundits and hoped for their speedy return. They had left with official Indian encouragement, having been warned that India would try

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brutally to crush resistance there. The effort had been brutal, but so far had failed. Despite allegations, no proof had been offered that Pakistan was providing assistance to terrorists. Pakistan repeated its call for India to allow international monitoring of the situation in Kashmir. Meanwhile, who was watching out for the rights of the Kashmiri Muslims?

MOHAMMAD ALDOURI (Iraq) said the statement made by France-Liberté Foundation-Danielle Miterrand was false. This organization asked for the continuation for the economic blockade against Iraq, knowing that the consequences had been dramatic from a humanitarian point of view. This had led to the deaths of thousands, including the elderly and children, due to a lack of food and drugs. This "supposedly humanitarian organization" advocated the continuation of the blockade, when it should advocate human rights, and was fully aware of the effects of the embargo. That was paramount to advocating genocide.

JUAN CARLOS GAFO ACEVEDO (Spain) said the World Organization against Torture had alleged that torture existed in Spain. Spain was party to the Convention against Torture and to the European Convention against Torture. Such cases as alleged were isolated incidents and the perpetrators had been punished following their trials. Terrorism threatened Spain and accordingly it had enacted certain legislation to cope with it. But this legislation was fair. The act of torture was serious and the Government was responding with seriousness.

SATISH CHANDRA (India) said he knew nothing of the funding of the non-governmental organization Pakistan had referred to; all he knew was that it had consultative status. As for the speech of the Secretary-General of the Organization of the Islamic Conference, India had age-old, friendly relationships with several of its member countries. However, claims made in the speech against Indian security forces in Kashmir were exaggerated and largely unfounded. India was combating terrorism there and troops were functioning under very difficult circumstances. In India, Muslims were respected and valued citizens, and their human rights were honoured. International monitoring agencies had, in fact, visited Kashmir at India's invitation. The truth was that thousands of terrorists who were financed, trained and armed from across the border were attempting to tear apart the fabric of democracy in Kashmir.

Mr. NANJIRA (Kenya) said discussion should focus on substance and not be wasted on accusations and counter-accusations. The statement made by the non-governmental organization Article 19: International Centre Against Censorship, which had referred to the complicity of the Government in political violence, was untrue. After Kenya's first multi-party elections in 1992, there were tribal clashes between different political parties instigated by elements whose intention was to derail the democratic process and call into question the legitimacy of the Government. The purpose of the zones was to safeguard life and property, restore law and order in the affected areas, and help the Government apprehend those responsible for the violence. As a result of the zones, life had returned to normal in the affected areas.

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Mr. CHOEGYAL (China) said that a non-governmental organization had used hearsay and resorted to slander about the human rights situation in Tibet. That organization was using the issue of human rights to split China. Tibet was an inalienable part of China. Economically and socially, Tibet had enjoyed great progress over the past 10 years. Tibetans said that the past 10 years were good years for human rights in Tibet. Some 30,000 foreign tourists had travelled in Tibet last year, including politicians and journalists. Even those who had held a biased view in the past had changed their minds following their visits when they saw the reality.

MARIANELA FERRIOL ECHEVARRIA (Cuba) said it was necessary to remind Switzerland that an invitation from a country for a visit was a sovereign decision that could be made only by that country. The representative of Switzerland had paraphrased the Rapporteur on arbitrary detention, and it was unfortunate that the Working Group had not referred to the cooperation Cuba had given. It had responded to all requests for information. Would Switzerland be willing to accept an international investigation of the alarming violence and xenophobia shown in Switzerland against third world migrants, or an investigation into the child pornography that went on in Switzerland?

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/529
23 February 1994

COMMISSION ON HUMAN RIGHTS ADOPTS RESOLUTIONS ON SOUTH AFRICA AND OCCUPIED ARAB TERRITORIES

(Delayed in transmission.)

GENEVA, 18 February (United Nations Information Service) -- Nine resolutions, including measures relating to South Africa and to Palestine and the other occupied Arab territories, were approved this morning by the Commission on Human Rights.

In a resolution on the situation of human rights in South Africa, the Commission called on the authorities to repeal remaining discriminatory apartheid laws and to exercise effectively their responsibility to stop violence and protect all citizens, irrespective of political affiliation. The Commission also decided, "in view of the changing situation in South Africa", to replace its agenda item entitled "Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist regime in South Africa" with an item entitled "Monitoring and assisting the transition to democracy in South Africa".

In a text on the Middle East peace process, the Commission expressed support for the achievements of the ongoing negotiations between Israel and the Palestine Liberation Organization (PLO) and said it considered that an active United Nations role could make a positive contribution in the region and assist implementation of the Declaration of Principles adopted by the two sides.

Four other resolutions on human rights in Palestine and the other occupied Arab territories were adopted by roll-call votes, with the United States dissenting in each case, saying that the measures called for did not reflect positive developments in the region and were "flawed and unbalanced". The resolutions included a condemnation of "the persistence of Israel in changing the physical character, demographic composition, institutional structure, and legal status of the occupied Syrian Golan".

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For information media--not an official record

Statement by Representative of Viet Nam

NGUYEN NGOC HIEN, Deputy Minister of Justice of Viet Nam, said that after long decades of war, Viet Nam was undergoing a process of all-round reform and renewal known, which reached into all domains, including the rights of the person. The new 1992 Constitution made explicit reference for the first time to respect for the rights of the person, civil and political, economic, social and cultural, and included such concrete provisions as freedom of enterprise and the right to information. The right to be presumed innocent and exempt from punishment until a sentence adopted by a court came into effect was written into law for the first time in 1988 under the Code of Criminal Procedure.

Lately, the country realized the need adequately to address potentially counter-productive social side-effects of the transition to a market economy, such as unemployment, declining conditions in public health and education, income polarization, and the need to protect vulnerable groups. As had been reported, 1993 had been a good year for Viet Nam's economy, with a growth rate of 7.25 per cent, and inflation brought down from the triple digit level of the late 1980s to merely 5.2 per cent. That success was not solely nor chiefly the work of competent technocrats, but the result of policies that had earned broad popular support and participation.

Viet Nam still had to make up for decades during which the imperatives of war and resistance had prevented it from doing as much as it wished in building the foundations indispensable to respect for and promotion of human rights in any country, he said. The Ministry of Justice had been engaged in the past few years in a vast systematic programme of law-making which included revising existing laws and drafting new ones to meet new realities and exigencies and to protect further the democratic rights of the citizen. To avoid laws remaining as dead letters, the country was devising mechanisms and monitoring processes and procedures that would ensure that the law was effectively and properly implemented. Complementary to law enforcement was the task of promoting popular awareness about the Constitution and the rule of law and popular participation in the public debate on major law bills.

Viet Nam was pursuing a policy aimed at a prosperous, equitable and civilized country, he said. Only a small but vocal minority of Vietnamese emigres, who most probably in their lifetimes would never reconcile themselves to present reality, continued to advocate policies and tactics of ideological antagonism and division, particularly along religious lines, bent on disuniting a nation that had paid a heavy price of blood and sacrifice to be at last one and at peace. In fact, respect for the freedom of religion in Viet Nam was an integral part of the Government's policy of broad national concord which aimed at embracing Vietnamese from all walks of life and from all religious creeds. Moved by the understanding that commitment to human rights called for adherence to international human rights conventions, Viet Nam had, since 1980, ratified or acceded to eight such instruments. In line with that recognition, Viet Nam had, since 1992, hosted a number of delegations in the aim of fostering mutual understanding with regard to human rights.

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Action of Resolutions

In a resolution on Israeli settlements in the occupied Arab territories, the Commission reaffirmed that the installation of Israeli civilians in the occupied territories was illegal and constituted a violation of the relevant provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War; regretted that the Government of Israel had not fully complied with the provisions of past Commission resolutions; and urged the Government of Israel to abstain from installing any settlers in the occupied territories.

The resolution was adopted by a roll-call vote of 49 in favour, to 1 against with 1 abstention. The result of the vote was as follows:

In favour: Angola, Australia, Austria, Bangladesh, Barbados, Brazil, Bulgaria, Cameroon, Canada, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Ecuador, Finland, France, Gabon, Germany, Hungary, India, Indonesia, Iran, Italy, Japan, Kenya, Lesotho, Malawi, Malaysia, Mauritania, MeRica, Netherlands, Nigeria, Pakistan, Peru, Poland, Republic of Korea, Costa a, Russian Federation, Sri Lanka, Sudan, Syria, Togo, Tunisia, United Kingdom, Uruguay and Venezuela.

Against: United States

Abstention: Libya

The representative of the United States, explaining her vote, said the United States felt that due to the ongoing peace process, it was premature and not productive to discuss the issue of Israeli settlements at this time in a multilateral forum.

Under a resolution on human rights in the occupied Syrian Golan, the Commission strongly condemned Israel, the occupying Power, for its refusal to comply with the relevant resolutions of the General Assembly and the Security Council; condemned the persistence of Israel in changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan, and emphasized that the displaced persons of the population of the occupied Syrian Golan must be allowed to return to their homes and to recover their properties. It strongly condemned Israel for its attempt to impose forcibly Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan and for its practices of annexation, establishment of settlements, confiscation of lands and diversion of water resources and imposing a boycott on their agricultural products. The Commission also called upon Israel to desist from its repressive measures against the population of the occupied Syrian Golan.

The resolution was adopted by a roll-call of 25 votes in favour, to 1 against with 25 abstentions. The result of the vote was as follows:

In favour: Angola, Bangladesh, Brazil, Chile, China, Colombia, Costa Rica, Cuba, Cyprus, India, Indonesia, Iran, Lesotho, Libya, Malaysia,

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Mauritania, Mexico, Nigeria, Pakistan, Republic of Korea, Sri Lanka, Sudan, Syria, Tunisia and Venezuela.

Against: United States

Abstentions: Australia, Austria, Barbados, Bulgaria, Cameroon, Canada, Côte d'Ivoire, Ecuador, Finland, France, Gabon, Germany, Hungary, Italy, Japan, Kenya, Malawi, Netherlands, Peru, Poland, Romania, Russian Federation, Togo, United Kingdom and Uruguay.

The representative of the United States said the time had come for the Commission to recognize that a new day had dawned for the Middle East. The Declaration of Principles signed by the PLO and Israel represented a fundamental change in the region. The resolution was "written in the sterile language of the past", heaping accusations against Israel while remaining silent on the other side. Positive development had occurred in the region which the resolution failed to take into account. The United States was committed to being a full partner in the peace process and to work with both sides, and it could not support flawed and unbalanced resolutions on the Middle East.

The Commission condemned the continued violations of the human rights of the Palestinian people in the Palestinian territory occupied by Israel with military force, including Jerusalem, and, in particular, the opening of fire by the Israeli Army and settlers on Palestinian civilians that resulted in killing and wounding them; the imposition of restrictive economic measures; the demolition of houses; the expropriation of houses; collective punishment; arbitrary and administrative detention of thousands of Palestinians without trial; the confiscation of property of Palestinians; the expropriation of land; the prevention of travel; the closure of universities and schools; the perpetration of crimes of torture in Israeli prisons and detention centres; and the establishment of Israeli settlements in the occupied territories.

The Commission again called on Israel to desist from all forms of violation of human rights in the Palestinian and other occupied Arab territories and to withdraw those areas; strongly condemned the refusal of Israel to apply the Geneva Convention relative to the Protection of Civilian Persons in Time of War to Palestine and the Arab territories occupied since 1967 and to their inhabitants, Israeli's policies of perpetrating crimes of torture against Palestinian detainees and prisoners in Israeli prisons and detention camps and its continued deliberate disregard for the provisions of the Convention; and called upon Israel to allow those who had been deported since 1967 to return to their homeland without delay.

Part A of the resolution was adopted by a roll call vote of 26 in favour to 3 against, with 23 abstentions. The result of the vote was as follows:

In favour: Angola, Bangladesh, Brazil, Cameroon, Chile, China, Colombia, Cuba, Cyprus, Gabon, India, Indonesia, Iran, Lesotho, Libya, Malaysia, Mauritania, Mexico, Nigeria, Pakistan, Republic of Korea, Sri Lanka, Sudan, Syria, Tunisia and Venezuela.

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Against: Bulgaria, Russian Federation and United States.

Abstentions: Australia, Austria, Barbados, Canada, Costa Rica, Côte d'Ivoire, Equador, Finland, France, German, Hungary, Italy, Japan, Kenya, Malawi, Mauritius, Netherlands, Peru, Poland, Romania, Togo, United Kingdom, and Uruguay.

Part B of the resolution was adopted by a roll call vote of 26 in favour to 1 against, with 25 abstentions, as follows:

In favour: Australia, Bangladesh, Brazil, Cameroon, Chile, China, Colombia, Cuba, Cyprus, Gabon, India, Indonesia, Iran, Lesotho, Libya, Malaysia, Mauritania, Mexico, Nigeria, Pakistan, Republic of Korea, Sri Lanka, Sudan, Syria, Tunisia and Venezuela.

Against: United States

Abstentions: Australia, Austria, Barbados, Bulgaria, Canada, Costa Rica, Côte d'Ivoire, Ecuador, Finland, France, Germany, Hungary, Italy, Japan, Kenya, Malawi, Mauritius, Netherlands, Peru, Poland, Rumania, Russian Federation, Togo, United Kingdom and Uruguay.

The representative of the Russian Federation said he had voted against Part A because it did not fully reflect the realities that emerged in the region following the agreement signed last September. In that resolution, all the responsibility was laid at one side's door and was not an objective version of reality.

The representative of Bulgaria said he had voted against Part A because it did not reflect the important positive changes taking place in the region.

In a resolution on the Middle East peace process, the Commission stressed the importance of, and need for, achieving a comprehensive, just and lasting peace in the Middle East; emphasized that the achievement of such a peace was vital for the full implementation of human rights in the area; and expressed its full support for the process thus far and considered that an active United Nations role in the Middle East peace process and in assisting in the implementation of the Declaration of Principles could make a positive contribution.

The resolution was adopted by a roll-call vote of 48 in favour to 2 against, with 2 abstentions, as follows:

In favour: Angola, Australia, Austria, Bangladesh, Barbados, Brazil, Bulgaria, Cameroon, Canada, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Ecuador, Finland, France, Gabon, Germany, Hungary, India, Indonesia, Italy, Japan, Kenya, Lesotho, Malawi, Malaysia, Mauritania, Mauritius, Mexico, Netherlands, Nigeria, Pakistan, Peru, Poland, Republic of Korea, Romania, Russian Federation, Sri Lanka, Togo, Tunisia, United Kingdom, United States, Uruguay and Venezuela.

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Against: Iran, Syria.

Abstentions: Libya, Sudan.

The representative of Syria said Syria was committed to peace in the region according to United Nations resolutions and the Madrid Accords. Syria could not accept a resolution without a mention of Security Council resolution 425, which referred to Lebanon. The resolution also overlooked human rights violations of Palestinian citizens in the occupied territories whose rights were protected by the Fourth Geneva Convention.

The representative of Iran said that the world had shared the suffering of and the great injustice against the Palestinians. But justice was buried in the fiasco of 13 September, however picturesque it was. Could the Palestinians still aspire for a state, no matter how small a land, with foreign relations and defence in the hands of Israelis? Could the Palestinians even represent themselves anymore on the basis of that agreement in form such as this? Is there any more a Palestinian cause? Had that great Palestinian cause shrunk to a human rights situation? That was not peace; that was surrender.

Under a resolution on the right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation, the Commission called on Israel to comply with its obligations under the Charter and the principles of international law and to withdraw from the Palestinian and other Arab territories which it had occupied since 1967 by military force, including Jerusalem, so as to enable the Palestinian people to exercise their universally recognized right to self-determination..

The resolution was adopted by a roll-call vote of 26 in favour to 1 against, with 25 abstentions, as follows:

In favour: Angola, Bangladesh, Brazil, Chile, China, Colombia, Costa Rica, Cuba, Cyprus, India, Indonesia, Iran, Lesotho, Libya, Malaysia, Mauritania, Mexico, Nigeria, Pakistan, Republic of Korea, Sri Lanka, Sudan, Syria, Tunisia and Venezuela.

Against: United States.

Abstentions: Australia, Austria, Barbados, Bulgaria, Canada, Cameroon Côte d'Ivoire, Ecuador, Finland, France, Gabon, Germany, Hungary, Italy, Japan, Kenya, Malawi, Netherlands, Peru, Poland, Romania, Russian Federation, Togo, United Kingdom and Uruguay.

On the question of Western Sahara, the Commission adopted a resolution, without a vote, endorsing the contents of the letter dated 4 August 1993 from the President of the Security Council addressed to the Secretary-General (document S/26239), in which the members of the Security Council supported the Secretary-General's efforts to make early progress on the preparations for holding the referendum.

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In a text on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination, the Commission urged all States to prevent mercenaries from using any part of their territories to destabilize or to threaten the territorial integrity of any sovereign State.

The resolution was adopted by a show-of-hands vote of 35 in favour to 1 against (United States), with 15 abstentions.

The representative of the United States said she had voted against the text because the United States had long believed that the subject of mercenaries was not a useful one to be considered by the Commission. It was a subject of less and less importance, especially in light of the lack of resources to fund the existing mechanisms.

By the resolution on monitoring and assisting the transition to democracy in South Africa, adopted without a vote, the Commission stressed the importance of the removal of all obstacles to the transition to democratic rule in South Africa. It also stressed the need for the Government of South Africa to create an environment conducive to the realization by the individual of his or her economic, social and cultural rights and the exercise of his or her civil and political rights, and requested the Special Rapporteur to undertake two missions to South Africa in 1994 to gain further insights into the whole process of transition to democracy there.

In a text on implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination, adopted without a vote, the Commission urged all Governments to take all necessary measures to combat new forms of racism, in particular, by ongoing adjustment of the methods used to combat them, and requested the Secretary-General to ensure that the necessary financial resources were provided for the implementation of the activities of the Third Decade during the biennium 1994-1995. It also decided to establish a focal point within the Centre for Human Rights to be responsible for reviewing information concerning activities carried out within the framework of the Third Decade.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/530
23 February 1994

HUMAN RIGHTS COMMISSION TAKES FURTHER ACTION ON SOUTH AFRICA

Continues Debate on Rights of Detainees

GENEVA, 18 February (UN Information Service) -- The Commission on Human Rights this afternoon welcomed last week's first-ever invitation by the Government of South Africa to the Ad Hoc Working Group of Experts on Southern Africa to visit that country later in 1994 to gather information on the human rights situation there. It also called on the South African authorities to maintain law and order, to stop the violence and to protect all citizens, irrespective of their political affiliation.

Prior to voting, the Commission continued its debate on the human rights of detainees. Allegations of torture, involuntary disappearance and arbitrary detention of particular groups and persons in Indonesia, Kenya, Mexico, United States, Republic of Korea, Tibet, Chile, South Korea, Morocco, Peru, Iraq, Algeria, Turkey and Guatemala were aired by the non-governmental organizations who spoke this afternoon.

The representative of Indonesia took part in the debate. The following non-governmental organizations also spoke: International Association against Torture; International Indian Treaty Council; Liberation; Robert F. Kennedy Memorial Center for Human Rights; American Association of Jurists; and Reporters without Borders International.

Also this afternoon, the Commission took up a draft resolution on contemporary forms of racism (document E/CN.4/1994/L.14/Rev.1). After extensive discussion and further suggestions to amend the text, the Chairman proposed that action on that draft be postponed until Monday morning, 21 February.

When it next meets on Monday, 21 February, at 10 a.m., the Commission will continue its debate on torture and the treatment of detainees.

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For information media--not an official record

Action on Resolution

In a resolution on the situation of human rights in South Africa (document E/CN.4/L.12/Rev.1), the Commission called upon the South African authorities to exercise effectively their responsibility to maintain law and order, to stop the violence, to prosecute its perpetrators and to protect all citizens, irrespective of their political affiliation. It also called upon all parties to refrain from further acts of violence; supported the recommendations of the Secretary-General for the deployment of observers in South Africa to further the purposes of the National Peace Accord; and urged all parties urgently to implement the agreement to grant a general unconditional amnesty to all those sentenced for anti-apartheid activities which were regarded as politically motivated.

Furthermore, the Commission urged the authorities to expedite the legal and administrative measures to abolish speedily and unconditionally all the remaining "homelands" and the "bantustan system" and reincorporate them in South Africa, and to ensure that their populations could freely participate in the election campaigns without fear of intimidation. It also urged them to ensure that no parties were permitted to disrupt the democratic process leading to the elections scheduled for 26-28 April and to ensure that an adequate number of electoral booths were installed throughout the territory, and to repeal the remaining discriminatory apartheid laws.

The resolution also requested the Centre for Human Rights to place at the disposal of the new Government its experience in advisory services to assist in the preparation of a programme of technical cooperation in human rights aimed at promoting respect for all human rights and overcoming the legacy of apartheid; and welcomed the invitation by the Government to the Ad Hoc Working Group of Experts to visit South Africa later this year to gather information in order to ascertain the situation of human rights there. The resolution was adopted without a vote.

Statements

MAKMUR WIDODO (Indonesia) said that some of the communications received by Indonesia from a thematic Special Rapporteur or Working Group contained repetitions of the same allegations that had already been submitted to other Special Rapporteurs or Working Groups, thus causing duplication and even triplication. The procedures and mechanisms should be harmonized and their work rationalized. Furthermore, a prompt response from the United Nations to requests for advisory services and technical assistance from Governments, especially for education and training programmes in the field of human rights, was essential.

Indonesia saw the practice of torture as a manifestation of a new form of racism and xenophobia, and was somewhat disappointed that the report of the Special Rapporteur on Torture failed to cover that new phenomenon. For its part, Indonesia had never condoned torture as a Government policy and had taken the necessary measures, among others, by improving the legal infrastructure and strict monitoring of the behaviour of law enforcement

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personnel in discharging their duties. He said he objected to the possible visit of the Working Group on Arbitrary Detention to Indonesia for the same reasons he objected to a possible second visit by the Special Rapporteur on Torture.

ROGER WAREHAM, of the International Association against Torture, said that police brutality was the most dramatic aspect of the 360-degree assault which racism conducted on the United States population of African descent. Another way the United States addressed its colour problem was through State-sponsored encouragement and fomenting of random violence in the black community. The United States federal and state governments actively created conditions which led to disproportionate criminality and criminals in black communities. Those who fought to defend their human rights to self-determination were subjected to arbitrary arrest, detention or exile, in violation of article 9 of the Universal Declaration of Human Rights. The racist system wielded the death penalty almost exclusively against people of colour. Some of the so-called new democracies of the new world order, meanwhile, were in flagrant violation of the standards considered under that agenda item, including Chile, South Korea, Morocco, Peru and Guatemala.

ANTONIO GONZALEZ, of the International Indian Treaty Council, said that retaliation against indigenous peoples on account of struggles to defend their lands and culture knew no geographical or temporal bounds, and mentioned the people of Chiapas were victims of a full range of human rights violations at the hands of Mexican armed forces. The Council called upon the Mexican Government to increase its efforts at controlling its armed forces, and welcomed recent Mexican legislation addressing the question of compensation for victims of violations of human rights. The disappearance of indigenous peoples who resisted forced recruitment into the armed forces was a gross violation of human rights, as a form of arbitrary detention and abusive treatment. Special mention was made of cases of disappearance, detention and torture in Guatemala. A total of 500 indigenous peoples and their supporters were walking across the United States, in a march for recognition of over 100 indigenous political prisoners held in prisons across the country. Detention of indigenous peoples as political prisoners in prisons in the United States, although many times clothed in due process, should also be considered arbitrary detention and official abuse.

LIEM SOEI LIONG, of Liberation, said that in Indonesia, human rights violations had been persistent and systematic, with the armed forces responsible for the most serious of the abuses. In Aceh, East Timor or West Papua (Irian Jaya), involuntary disappearances, torture and other cruel, inhuman or degrading treatment were common. The "security approach" doctrine and the matter of impunity were very much intertwined in Indonesia. One of the major problems in Indonesia was the lack of an independent and impartial judiciary. Furthermore, political trials in Indonesia failed to meet international standards of fairness. Urgent action and inquiry should be taken by the Special Rapporteur on extrajudicial, summary or arbitrary executions. Bakorstanas, the military security body, and BIA, the military intelligence body, enjoyed practically unlimited powers and were mainly responsible for the violations. Because international pressure had proven to

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be very useful in Indonesia, the Commission should appoint a Special Rapporteur.

JAMES SILK, of the Robert F. Kennedy Memorial Center for Human Rights, drew attention to the widespread problem of human rights violations under the authority of national security legislation. A Government did not need to declare an extraordinary state in order to invoke its regular laws concerning sedition, national security and public order. Of particular concern were the abuses committed in many States that had recently started holding multi-party national elections. Kenya and Korea as examples. However, the situation was no less serious in countries that did not yet allow their citizens to take part in legitimate multi-party elections, such as in Irian Jaya and Tibet. Under such laws, people were often detained indefinitely, interrogated under abusive conditions, and denied access to counsel and family. Even when national security laws were not invoked, they inhibited the freedom of expression, debate, and political and economic activity that were necessary in a society that respected the rights of all its citizens. The Commission should request the Subcommission on Prevention of Discrimination and Protection of Minorities to examine the issue of human rights violations under national security laws and related legislation.

ALEJANDRO TEITELBAUM, of the American Association of Jurists, said the task facing the Working Group on Arbitrary Disappearances was large and complex, and further help for it was needed. Military jurisdiction in countries should be limited strictly to matters concerning military discipline. The Working Group should abide by the prevailing international approach and always consider as arbitrary the detention of a civilian who had been tried by a military court. Also, habeus corpus should be an unwaivable right. The Group should have the option of intervening in cases of arbitrary detention, even if the cases were already under consideration under other international agreements. Speed was often of the essense, and human rights considerations were paramount. In considering the subject of torture, the Commission must not forget psychological forms of torture, such as sensory deprivation and prolonged isolation.

CHANTAL DE CASABIANCA, of the Reporters without Borders International, said she was pleased about the appointment of the Special Rapporteur on freedom of expression. Freedom of the press was regularly violated, and she gave a global list of detained journalists. For example, in China, at least 21 reporters were detained; and in Turkey, Kurdish journalists were treated as terrorists, and some had even been tortured. The information on those incidents had been passed on to the Special Rapporteur.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/531
24 February 1994

COMMISSION CONTINUES DEBATE ON HUMAN RIGHTS OF DETAINEES

GENEVA, 21 February (UN Information Service) -- The Commission on Human Rights opened the fourth week of its fiftieth session this morning by continuing its debate on the rights of people in detention and imprisonment. Several non-governmental speakers condemned the practice of some States to systematically abuse and deny the rights of detained persons, to terrorize the population and to prevent the emergence of an effective opposition to the ruling regime.

The representative of the United States said that it was no coincidence that every Government that feared democracy was indifferent to individual development and scorned human rights, while seeking to control public opinion and manipulate the media. China, the representative stated, still imprisoned many who spoke out against Government policy, and few dared to speak out against the Cuban Government, as well. But even some democratic Governments sometimes tried to stifle criticism.

Speakers this morning were the representatives of Austria, United States, Chile, Brazil, Peru, Croatia, Egypt, Norway and Spain. Also speaking were the representatives of the following non-governmental organizations: Pax Christi, Latin American Federation of Associations of Relatives of Disappeared Detainees; International Work Group for Indigenous Affairs; and International Organization for the Elimination of All Forms of Racial Discrimination.

Cuba, Pakistan, Kenya, India, Iran, Malawi and Ecuador spoke in exercise of the right of reply.

Statements

FELIX ERMACORA (Austria) appealed to the Secretary-General to establish a comprehensive programme within the system of advisory services and technical assistance aimed at building and strengthening adequate national structure in the administration of justice and in the administration of prisons and detention centres. Austria supported the recommendation of the Subcommission on Prevention of Discrimination and Protection of Minorities to create a special rapporteur on the independence and impartiality of the judiciary. Less than half of United Nations Member States had become parties to the

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For information media—not an official record

United Nations Convention against Torture, and only a small minority of States parties had made the optional declarations to accept individual and inter-State complaints. He hoped that the Government of Turkey would comply with all recommendations of the Committee against Torture, and that the Committee would apply the inquiry procedure with the same degree of sincerity and objectivity in other cases of allegations of torture.

It was discouraging to note that the Special Rapporteur had to communicate torture allegations, albeit of very differing degrees of severity, to no less than 60 Governments, he said. Austria welcomed the recommendation of the Working Group on Enforced or Involuntary Disappearances to establish a special procedure for tracing missing persons in the former Yugoslavia. The relationship between arbitrary detention and freedom of expression needed to be further explored. Austria also welcomed the progress achieved by the Commission's inter-sessional working group in drafting an optional protocol aimed at establishing a universal system of preventive visits to all places of detention, and felt that the drafting process should be speeded up.

MIOMIR ZUZUL (Croatia) said that about two months ago in front of the Palais des Nations a bus full of women, men and girls had arrived and erected a wall of bricks, each containing the name of a loved one for whom they continued to search. How many still remembered the horrors of the war against Croatia in 1991 and the occupation of Vukovar? The Vukovar saga still kept the secret of more than 2,000 missing persons. The Government had done everything in its power to find the thousands still unaccounted for in Croatia, now about 7,600. But legal and administrative obstacles interfered, as the case of missing persons in Croatia did not correspond to the mandate of the Working Group.

He had believed that the Commission, with new vitalities and sense of human values after the Vienna Conference, would wish to send a simple and short message that the countries assembled at the fiftieth session would like to do everything within their power to help find the truth, whatever it was, about the 7,600 missing persons in Croatia, and the more than 20,000 estimated to be missing so far in Bosnia and Herzegovina. But other delegations, powerful ones, wished to deal with all questions pertaining to human rights violations in former Yugoslavia "en bloc". That would not discourage or prevent him from presenting a single and simple resolution on missing persons in the former Yugoslavia.

MOHAMED ABOU EL DAHAB (Egypt) said it was necessary to implement human rights, not merely to create and endorse covenants and instruments. Egypt had acceded to 18 international pacts on human rights, but more importantly was committed to implementing them. Egyptian legislation prohibited human rights abuses, the first among them being torture. The courts had enforced anti-torture laws energetically. Combating terrorism was another problem. Egypt believed the only effective way of battling it was through full democracy. It was necessary to have all involved in political life in the country, and to have a public atmosphere of tolerance and of faith in democracy. If such a spirit existed, life for all would improve and a commitment to the well-being of the country as a whole would come naturally.

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HAAKON B. HJELDE (Norway) said he was deeply concerned by numerous reports of detention, discrimination, threats and acts of violence and harassment, including persecution and intimidation, against information professionals, including journalists, editors, writers and authors, publishers and printers. Freedom of expression for the media and its professionals was indispensable to democracy and international understanding. It was a sad fact, however, that every day people were detained, harassed, or even killed for holding opinions deemed unacceptable by Governments. Norway remained deeply concerned about the unacceptable death sentence declared against the British writer Salman Rushdie and appealed once more to the Iranian Government to reconsider and reject that threat. The fact that the sentence was a reflection of a fatwa issued by a religious authority did not exempt that Government from its obligations under international law. Norway urged all Governments and the Human Rights Commission to take a clear stand against such an intolerable practice.

HILDA BURER, of Pax Christi International, said that despite pious words, there were countries, some of which were members of the Human Rights Commission, which not only failed to protect the rights of detainees and prisoners, but systematically and deliberately abused those rights, often for the sole purpose of terrorizing the population in order to prevent the emergence of an effective opposition to the ruling régime. Self-preservation drives of oppressive and unpopular Governments, whose legitimacy should at times be questioned, was one of the foremost causes of the systematic, often institutionalized abuses of human rights.

She said China maintained "labour-reform" camps, and arrested hundreds of Tibetans and subjected them to degrading treatment for peacefully expressing their opposition to Chinese rule. The treatment of prisoners in East Timor was shocking, including torture and killings. Pax Christi called on the Government of Indonesia to release Xanana Gusmao and other political prisoners, particularly those from East Timor, Acheh and West Papua. Although in 1991 more than 300 disappeared persons had been released by the Moroccan authorities, Pax Christi called for the release of all the remaining 526 Sahraoui persons. A special envoy should investigate the human rights situation, and work with the parties to seek a political solution to the situation on Bougainville.

MAGDA GONZALEZ, of the Latin American Federation of Associations of Relatives of Disappeared Detainees, said it was necessary for the Working Group studying forced disappearances to have wider operational powers and a permanent secretariat to follow up work done. Disappearances were still a problem in Colombia and Peru, and there appeared to be no political will to stop them. Those who carried them out enjoyed impunity. Special monitoring by the Commission of those two countries was required. In Guatemala, security forces and paramilitary groups continued to commit systematic violations of human rights, including torture and extra-judicial executions. The Salvadoran Government had not sufficiently investigated previous disappearances and continued to allow impunity. Abuses in East Timor also continued.

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BOBBY CASTILLO, of the International Work Group for Indigenous Affairs, said the judicial legal system of the United States had unreasonably, capriciously and arbitrarily denied access to an adequate habeas corpus of Leonard Peltier, Eddie Hatcher and other indigenous peoples. Moreover, false imprisonment and violence against indigenous peoples was all too common, without due process whatsoever. United States prison officials allowed and sometimes even encouraged perpetuation of those inhumane violations of justice even today. The Commission should investigate the treatment and judicial proceedings of indigenous political prisoners in the United States.

HANAN SHARFELDDIN, of the International Organization for the Elimination of All Forms of Racial Discrimination, drew the attention of the Commission to the involuntary disappearance of one of its Executive Council members, Mansur Al-Kikhia, who had been missing for more than 60 days. His organization had issued a statement on 13 December 1993 alerting non-governmental organizations and appealing to them to contact the Egyptian authorities to take all the necessary actions to search for Mr. Al-Kikhia. What had happened to Mr. Al-Kikhia was due to his active participation in the defence of human rights. Many could face a similar fate if strict action and a strong resolution were not issued immediately in regard to that matter. He appealed for a productive and serious search to ensure the safety of the victim of that crime.

HERMAN SCHWARTZ (United States) said democracy, development and respect for human rights, the basic triad enshrined in the Vienna Declaration, were unattainable and, indeed, inconceivable without free expression and a free press. Even as concern for human rights around the world heightened, one continued to hear voices asserting that free speech was not a truly universal value but merely a parochial Western preoccupation. Cultural differences and the need for growth and stability were invoked as excuses for repression. Those who denounced torture, political corruption, the lack of democracy and self-determination, suppression of ethnic identity and religious beliefs, and economic exploitation were not simply manifesting an "individualistic ethos" peculiar to the West. They were sounding a cry for justice and pluralism that was universal. Just as there was no conflict between development and freedom of expression, there was no link between the denial of free expression and economic growth. In short, no right was safe unless the right to free expression was assured.

He supported the efforts of the Working Group on detention and believed its decisions on individual cases appropriately complemented the more far-reaching efforts of the Special Rapporteur on freedom of association. The Working Group should give particular attention to the arbitrary detention of individuals who had been held for long periods of time or who have been held for significant periods under poor conditions. It should pursue fulfilment of prior Commission resolutions in which Governments were urged to invite the Working Group to visit, but which had not yet done so.

ROBERTO GARRETON (Chile) said that states of exception were frequently misused in order to restrict civil rights and increase State authority. In a sound rule of law, there were two categories of equally valid norms, one

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regulating the normal situation and the other the exceptional one, the latter as perfectly rule of law as the former. It was not easy to convince dictators of that point. For them, resorting to a state of siege was sufficient to justify their abstaining from any control over their powers. Some domestic legislation even authorized the restriction of rights without proclaiming any state of exception. By virtue of irregular "emergency legislation", personal freedom, the regular functioning of courts and freedom of speech and opinion were often violated by regulations which were in no way in keeping with the international human rights conventions.

The independence of the judiciary, particularly judges and lawyers, was probably the surest remedy against violations of human rights. He regretted that in many countries habeas corpus procedures did not exist or had been suspended. Impunity certainly was the absence of penalty, but it also was the political and moral legitimation of State officials' actions. To fight impunity, therefore, required not only a penalty, but also a moral and political rejection based upon the cultural values which were the basis of any civilized cohabitation. Likewise, compensation to the victims consisted, more than anything else, of a rehabilitation of the victim's reputation.

ANA CANDIDA PEREZ (Brazil) said that the theme of the Third Summit of Ministers of Justice of the Portuguese-speaking countries, held in Brazilia last year with the participation of Angola, Cape Verde, Mozambique, Portugal, Sao Tome and Principe and Brazil, was "Justice and Citizenship". It focused on the full realization of the right of all citizens to the proper administration of justice; constitutional grounding of the right of citizens to receive all necessary information and counselling on the due process of law and the administration of justice; and democratization of the administration of justice.

In-depth study of impunity by the Subcommission could provide the Commission with elements for making recommendations and helping States which were trying to fight impunity. With the return to democracy, popular awareness on the need to combat impunity had greatly increased in Brazil, she noted. There were positive signs that impunity was being curbed. In Rio de Janeiro, 131 persons were in prison on charges of gross violation of human rights: 69 were military policemen and four were civil policemen. All military policemen involved in such crimes were prosecuted both by the military and the civil courts. There could be no excuse whatsoever for the practice of torture -- not even terrorism or civil strife.

EDUARDO PEREZ DEL SOLAR (Peru) said Peru had a very open attitude to all the regional intergovernmental and multilateral supervisory bodies working on the question of torture. There had been a documented reduction in the number of disappearances in Peru. Only 10 such new cases had occurred last year. However, inflated statistics still abounded in some organizations, and sometimes the Working Group on Arbitrary Detention did not know facts which were known to Peruvian non-governmental organizations and State organizations on the ground. Some people mentioned in the Working Group's report had been returned. A multi-sectoral group had been set up to deal with the problem of torture, and the Government had made extraordinary efforts in that regard.

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The Working Group on Enforced Disappearances had properly examined documents given to the Centre by the Government. All such Working Groups required objective balance. In 1992, several persons, who it was alleged had disappeared, had voted in the general elections.

True, there were vestiges of a terror group in Peru, he added. Non-governmental organizations, too, should seek balance and note the reduction in the numbers of disappeared. Arbitrary detention under the emergency powers was permissible for only 15 days. Terror had to be dealt with as best the Government could. No non-governmental organization had noted the proposed changes to the emergency laws. There had been excesses in the fight against terrorism, but now the fight against terrorists was being carried out with full respect for human rights.

FERNANDO M. VALENZUELA (Spain) said the international community was not able totally to erase the use of torture. That practice constituted very inhumane and degrading treatment. Preferential action should be taken against torture. Training and teaching should be conducted to educate members ot the military and the Government concerning the degrading nature of torture. Doctors and other health officials should be given more information so that they treated persons and other detainees in a more humane manner. All victims of torture should be rehabilitated psychologically and socially in order to restore to them the dignity of which they had been deprived.

Rights of Reply

ADOLFO CURBELO (Cuba) said the representative of Journalists without Frontiers had said Friday afternoon that there was only one voice in Cuba -- that of the Communist Party. That surprised the delegation. In Cuba, there were thousands of voices and opinions. There also was one goal -- everyone seeking the country's own true destiny and keeping it free of the malign influence of outsiders such as that non-governmental organization. All people participated actively in political and economic decision-making in Cuba. That speaker had failed to distinguish between journalists and terrorists.

SHAFQAT KAKAKHEL (Pakistan), referring to the Indian delegation's statement, said that there had been an increase in human rights violations in Kashmir and Jammu. The twenty-first session of the Organization of the Islamic Conference, held at Karachi in 1993, had faithfully reflected the situation in that region and had expressed its concern by calling upon India to respect the human rights of the people in Kashmir and Jammu. The Indian delegation had attempted to confuse the issue by referring to the Kashmiris with other Muslims. But the United Nations had recognized Kashmir and Jammu as a disputed region.

CHRIS KARUMBA MBURU (Kenya) said the Robert F. Kennedy Memorial Center for Human Rights had made allegations concerning his Government. In very rare instances and as a last resort, the Government had been forced to curb the activities of some elements whose sole intention was to disrupt peace in the name of exercising their freedom. It had been forced to seize some publications whose aim was to cause disaffection and to incite the public to

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violence. In reluctantly taking those steps, however, the Government had always tried to act in accordance with the law and within its given provisions.

SATISH CHANDRA (India) said the problem in Jammu and Kashmir arose from Pakistan's involvement with terrorist activities there. Pakistan had denied such involvement in 1947 and 1965, but subsequently their Prime Ministers had admitted it. Why believe them now when they denied it? The Pakistani press and members of the country's Parliament spoke openly of terrorist activity -- members of Parliament talked freely of the operation of training camps. India allowed diplomats and ambassadors to go to Kashmir when they wished. International agencies had only to make arrangements with the Government to go, and many had; the region was not hidden from outside scrutiny.

Mr. MOTTAGHI-NEJAD (Iran), referring to the statement by the International Falcon Organization, said the members of that organization were well-known terrorists. The headquarters of that group was in Baghdad. It fully benefited from the financial and military assistance provided by the Iraqi Government and waged terrorist attacks against the Iranian people. The nature and the activities of that terrorist group was reported by many countries. The Board of Directors, who lent their names to the Falcon Organization, knew that their organization had turned out to be a tool used by a group whose main mission was to wage terrorist operations against Iran.

MIRIAM MALUWA (Malawi) referred to the statement by the non-governmental organization "Article 19", which had claimed that a "Nyau secret society in Malawi" was conducting itself in a manner "aimed at stopping free discussion of issues and disenfranchising the opposition supporters by driving them from their homes", and that that was being done with the apparent complicity of the Government. "Nyau" was not a secret society, it was a traditional dance form which, though dominant in the Chawa tradition, was not exclusive to them. The Nyau traditional dance did not pose a threat and had not committed any violence as Malawi moved from a single to a multiparty system of government. However, the issue of violence and unruly behaviour in the run-up to the general elections in May this year was a matter of concern. The National Consultative Council had established a special committee to investigate all matters relating to political violence and unruly behaviour wherever those occurred.

MARCELO FERNANDEZ DE CORDERA (Ecuador) said two non-governmental organizations had mentioned in partial and biased form the imprisonment of peasant farmers without proper warrant and charge. In fact, those were people involved in assassinations. The arrests took place with all the guarantees and procedures of Ecuadorian law. Some had since admitted to the crime. Therefore, what had been said last week was false.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/532
24 February 1994

HUMAN RIGHTS COMMISSION DEBATE FOCUSES ON COMPLAINTS OF ABUSE OF PRISONERS AND DETAINEES

GENEVA, 21 February (UN Information Service) -- Countries and non-governmental organizations made numerous allegations of arbitrary detention, torture and other abuses around the world as the Commission on Human Rights continued discussion this afternoon of the rights of prisoners and detainees. Charges ranged from claims by the Republic of Korea that massive and systematic torture was used as a method of warfare in the former Yugoslavia to a complaint by the Arab Lawyers' Union that "reverse terrorism" was being applied in the Middle East against Islamic militant groups. While the violence committed by militant groups must be condemned, the Union maintained, that did not excuse arbitrary detention and torture that was "regularly practised" against them in some States.

The representative of Portugal said the picture of human rights abuses emerging from documents filed by Working Groups and Special Rapporteurs of the Commission was all the more appalling because it apparently represented "just the tip of the iceberg; that the "actual bulk of these abhorrent practices worldwide" went unrecorded.

The Commission had planned to move on during the afternoon to agenda items on advisory services and the further promotion and encouragement of human rights, but the continued debate delayed their consideration. The Commission also postponed action on a draft resolution on contemporary forms of racism and xenophobia as negotiations on the wording were still under way. The resolution had originally been scheduled for consideration on Friday, 18 February.

Representatives of the Republic of Korea, Poland and the Netherlands spoke this afternoon. They were joined by the observers from Portugal and Algeria. Spokesmen for the following non-governmental organizations also provided statements: Pax Romana, Human Rights Watch, World Muslim Congress, Commission for the Defence of Human Rights in Central America, International Educational Development, Centre Europe-Tièrs Monde, International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities, and the World Student Christian Federation.

The following countries spoke in right of reply: Turkey, Bangladesh, China, Indonesia, India and Cuba.

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Statements in Debate

SUK JO LEE (Republic of Korea) said the elimination of the practice of torture must be a priority agenda item for the Commission. Massive and systematic torture was, in some cases, employed as a method of warfare against minorities, as in the former Yugoslavia. That was wholly unacceptable. It was also unacceptable that in many countries women and children had become the main victims of human rights violations. The Commission and its members must pay more attention to the issue of impunity.

The speaker went on to say that limited access to information restricted the scope of the activities of the Working Group on Arbitrary Detention. He hoped the Working Group would try to enlarge its information sources and fact-finding functions. He wondered whether the Group's strict use of adversarial procedures and speedy decision-making was appropriate and effective in discharging its mandate. Additional funds should be allocated for the work of the Special Rapporteur and the Working Groups.

JAN WORONIECKI (Poland) said the Commission should pay attention to increased migration, particularly to rights connected with that increase, such as freedom of movement, the rights of aliens, migrant workers and refugees, displacement of persons and protection of minorities. The Commission should also re-examine the judicial protection of their rights. He supported the Special Rapporteur's views on the necessity of providing him with the indispensable financial and human resources. Also, the Commission should encourage States which had not yet acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to do so without delay and to accept the optional procedures under the Convention.

He went on to say that amnesty laws, official pardons or covered pardons laws should not be resorted to in order to make the perpetrators unpunishable, although bringing the human rights violators to justice should be executed in full conformity with the due process of law. The so-called special process proposed in the report of the Working Group, to be included in the mandate of Special Rapporteur T. Mazowiecki to deal with missing persons in the former Yugoslavia, constituted a good institutional response, and required the Commission's support.

GONCALO DE SANTA CLARA (Portugal) said that picture emerging from the reports of the mechanisms established under this agenda item became more appalling when one realized that all the violations transmitted to the Centre for Human Rights were just the tip of the iceberg. That fact alone confirmed the absolute need for the continuation of the mandates entrusted to the existing mechanisms. Portugal supported the creation at this session of a new one, a special rapporteur to follow up the question of the independence and impartiality of the judiciary, as had been recommended by the Subcommission on Prevention of Discrimination and Protection of Minorities.

Portugal had a particular responsibility, as the United Nations recognized administering Power of the non-self-governing territory of East Timor, in bringing to the attention of the Commission information on the situation of

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human rights there. The Commission had expressed its deep concern about that situation last year through resolution 1993/97. The first and deeply regrettable feature common to all the reports was the conclusion that Indonesia, a member of the Human Rights Commission, had failed to fulfil its duty of complying with the decisions of the Commission. In particular, Indonesia blatantly ignored the call of last year's resolution to invite four thematic mechanisms to visit East Timor and the several communications addressed to it by the Secretary-General and the Rapporteurs proposing to arrange for such visits. The lack of cooperation thus shown by Indonesia was certainly something the Commission could not overlook. Furthermore, that uncooperative approach discredited the claims by the Indonesian authorities that in the last years they had opened the Territory of East Timor.

A second feature, common to the three reports regarding Indonesia and East Timor, was the fact that substantive information indicated that very serious human rights violations continued to occur. The Special Rapporteur on Torture dedicated several pages to reported widespread practice of torture by Indonesian authorities. A third feature emerging from the reports in question pointed out that the justification given by Indonesia to act against the alleged victims was generally the need to maintain public order. The several thematic mechanisms had noted the clear linkage between vague and legally undefined concepts such as those and the encouragement of human rights abuses -- namely, arbitrary detentions, torture, disappearances and unfair trials. All amounted to the absence of the rule of law. Portugal welcomed the fact that this month Indonesia had invited the Special Rapporteur to visit and hoped that he would be able to carry out the type of visit he deemed necessary and adequate.

H. MEGHLAOUI (Algeria) said his country's 1963 Constitution had established the universal human rights and fundamental freedoms of its citizens. Algeria had ratified and adhered to a great number of international human rights and humanitarian instruments. There was an independent human rights institution in Algeria which presented its annual report to the Head of the State. For some time now, the Government had been faced with a difficult security situation. A law promulgated exceptionally on 30 September 1992 had drawn some criticism from human rights defenders. The Government's action, he assured the Commission, was being carried out with strict respect for Algeria's human rights obligations.

For example, the limit of 12 days' detention without charge was the exception rather than the rule. Not only that, law enforcement persons accused of breaking that law were punished. Impunity was not tolerated. Under the Constitution, the person detained could call a lawyer, could have a medical inspection and could contact his family. The inspection was carried out by a public health doctor. The Penal Code required all authorities who knew of an offence of torture or the like to report the occurrence immediately. In spite of current difficulties, he stated, Algeria was committed to democracy, freedom and political pluralism. The authorities cooperated with all Special Rapporteurs and Working Groups and were conscious of their obligations under international treaties.

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CEES FLINTERMAN (Netherlands) said that at the moment people in various parts of the world, exercising their right to freedom of opinion and expression and advocating the principles of human rights, were being subjected to torture, enforced or involuntary disappearance or arbitrary detention. Support for them was still badly needed. Some Governments went so far as to look at non-governmental organizations as terrorist groups, which he found unjustified as long as the organizations were functioning in accordance with the purposes and principles of the United Nations and its human rights instruments. Last year's call by the Commission on the Governments concerned to take steps to protect the families of disappeared persons against any intimidation or ill-treatment should be extended to the protection of members of non-governmental human rights organizations.

When analysing the sources of information of the Working Group on Arbitrary Detention, he said, one noted that all the information about victims came from relatives or non-governmental organizations, and it was of grave concern that often the sources themselves became targets by the mere fact of reporting those violations. Although information should always be checked, and without doubt sometimes the information was erroneous, it was preferable to err on the side of protection of potential victims than on the side of avoiding administrative inconvenience for Governments, he declared. A serious constraint in responding to reported violations was the inadequacy of financial and personnel resources of the Centre for Human Rights.

MAURICIO MOLINA, representative of Pax Romana, said that serious cases of impunity had occurred in Peru. Military courts there were secret; they judged civilians and were not party to civil law. In 10 years alone, such courts had condemned 300 civilians. Such events had occurred in Colombia too. The Special Rapporteur should visit Peru.

He went on to say that Guatemala continued to experience a difficult transition. The new President there had not been able to transfer social structures due to the lack of programme and administrative support. The people were victims of human rights violations and of economic injustice. On the one hand, guerrilla warfare violated human rights, while on the other, the Army committed human rights crimes. A monitoring mechanism was needed, especially if a peace process came about as a result of the negotiations. Several human rights defenders had been murdered; and complaints of intimidation had tripled during the last year. Political violence, both of a rural nature and in the suburbs, was frequent. Impunity persisted. Guatemala needed advisory services and a special rapporteur to monitor, examine and investigate human rights offences.

CYNTHIA BROWN, of the Human Rights Watch, said that in China, 1993 had been the worst year for political arrests since the crackdown on the 1989 pro-democracy movement. Almost 80 per cent of those cases had occurred in Tibet, although Tibetans accounted for only 0.2 per cent of the population of China. Moreover, those arrested in Tibet were often sentenced for "counter-revolution", although they were mainly peaceable Buddhist monks and nuns. There was widespread torture by police. At a minimum, the international community should expect to achieve an adequate accounting of the status and

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circumstances of 1,700 persons for whom evidence of political imprisonment existed.

In Turkey during 1993, she said brutal torture continued, including on more than 90 per cent of political suspects and more than 50 per cent of ordinary criminal suspects. Peru and, in similar fashion, Colombia had developed legal mechanisms which punished non-violent dissent under the cover of seeking to control drug trafficking and terrorism. Conditions of confinement for those accused or convicted of politically motivated offences were extremely harsh. The Human Rights Watch noted the lack of effective national protection for the rights of ordinary prison inmates in most of the world.

MUSHTAQ AHMAD WANI, of the World Muslim Congress, said that incidents of indiscriminate shooting, custodial killings, large-scale arbitrary detentions, looting and rape were some of the most important characteristics of the Indian administration in occupied Jammu and Kashmir. More than 39,655 people had been martyred, more than 33,770 people had been imprisoned. In addition, Amnesty International had reported 128 cases of disappearance, although that figure seemed to represent just 10 per cent of total cases because of the lack of accessibility to the human rights groups.

He said the Government of India, through its appointed administrators, was trying to develop a wedge between different communities, and the organized eviction of the Hindu population was part of the same plan. The Congress appealed to the global family to bring to an end the existing volcanic scenario; purposeful end of State violence; release of the prisoners of conscience; withdrawal of Indian "trigger-happy" forces; and appointment of a special rapporteur to monitor the extent of the excesses and crimes of the Indian forces.

VILMA NUÑEZ, of the Commission for the Defense of Human Rights in Central America, said that the violations under discussion were so grave that each deserved a separate agenda item. In all countries of the region, fundamental changes were urgently required to alter the judicial systems to allow respect for basic human rights. In El Salvador, violations continued and recommendations for revising the judicial system had been ignored. Members of the "old death squads" still enjoyed impunity. The Commission must not stop monitoring El Salvador. In Guatemala, Nicaragua, Honduras, and even Costa Rica which previously had escaped such problems, there were problems with detention. In Honduras, disappearances had occurred under the eyes and with the knowledge of advisers from the United States, and security forces had killed people during robberies.

J. KENNETH BLACKWELL, of the International Educational Development, said imposition by the Government of India of the Terrorist and Disruptive Activities Prevention Act, the Jammu and Kashmir Public Safety Amendment Act, the Armed Forces Special Powers Act, and amendments to the Criminal Procedures Code had rendered Kashmir bereft of basic freedoms. The Kashmiri Bar Association reported that since 1990 there had been approximately 8,000 reported arrests, 10,000 cases of unreported administrative detention; 300

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custodial killings, 100 known cases of rape and 128 known disappearances. Any real solution to the problems of detention and torture in Kashmir should include carrying out the plebiscite envisioned by the United Nations in 1948, with the explicit agreement of India and Pakistan.

The Commission, he went on to say, should demand that: all parties agree to a cease-fire; and that the Government of India withdraw its troops to their barracks and immediately end violations of human rights in Kashmir. The Commission should mandate a working group or rapporteur to assess the situation and urge that Government to allow all international human rights and humanitarian organizations to enter Kashmir freely and carry out investigative and assistance programmes. It should, further, call on the Governments of India and Pakistan to include Kashmiri representatives in discussions regarding the status of Kashmir and conditions there.

MALIK OZDEN, of the Centre Europe-Tiers Monde, said that today in Chile, virtually none of the torturers or commanders, with some exceptions, had been tried for their crimes. Human rights violations should be tried, otherwise they would be repeated. For crimes against humanity, there could be no statute of limitations, and they should not go unpunished. In Turkey in 1993, killings, summary executions, torture and detention, among other atrocities, had occurred during exchanges of fire between the Turkish Army and Kurdish guerrillas, he stated. There were also reprisals against the pro-Kurd media and members of political parties. Many laws were anti-democratic, and the situation was deteriorating. He said human rights violations had been carried out against Mordechai Vanunu while being held in "cruel and isolating conditions" in prison in Israel; and he had done nothing but tell the truth. The Commission should call for his release.

ROELAND BOS, representative of the International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities, said tensions were rising between the Muslims, the Serbian and Montenegrin authorities in the region of Sanjak, and that the Muslims were victims of serious human rights violations by those authorities. Fortunately, all the leading Muslim parties in Sanjak were advocating a peaceful and just solution, although the Serbian and Montenegrin authorities continued to ignore any Muslim leadership in Sanjak.

The situation in the Indonesian-controlled regions of Aceh, West Papua and East Timor remained deplorable, he continued. The Federation also cited the situations in the Jumma community in Bangladesh, and in Bougainville where the ongoing blockade of the island by the Papua New Guinea Government had prevented medical supplies and other essential needs from reaching the people. Reports of torture, disappearances, and extrajudicial public executions continued to emerge. A Special Envoy of the Secretary-General should be appointed to investigate the human rights situation in Bougainville and to facilitate dialogue and negotiations between the parties to the conflict.

MICHAEL MITCHELL, of the World Student Christian Federation, said that since President Ramos of the Philippines took office in July 1992, 1,080 individuals had been arrested for political motives, according to the

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Philippine Alliance of Human Rights Advocates. The Philippine Government must take decisive steps to abolish the Citizens' Armed Forces Geographical Units and other paramilitary groups, release all political prisoners and repeal all national security laws. Another country where legal provisions were used against students and other individuals for political purposes was in Burma.

The names included in the Working Group's current report were only the tip of the iceberg in terms of the true numbers of individuals arbitrarily detained for political purposes by the military junta in Burma, he continued. In the Republic of Korea, national security laws were still being used against students and student activists. The Federation urged the Governments of China and Indonesia to comply with the expressed interest of the Working Group to conduct missions to those countries and noted with concern that the Papua New Guinea Government was currently introducing an internal security act which, no doubt, would be used against the people of Bougainville.

Rights of Reply

B. GULDERE (Turkey) said the Austrian delegate had referred to a certain public statement on Turkey made by the Committee against Torture, namely, the summary record account of the confidential report. That summary pointed out "the existence of systematic torture" on the one hand, and conceded, on the other, that "only a small number of torture cases can be proved with absolute certainty". Furthermore, no communication by or on behalf of any individual subject to Turkey's jurisdiction had been received by the Committee. Why did the Austrian representative take a sudden interest in the human rights violations which allegedly occurred in Turkey, a country far from his own? Why did he remain silent on agenda item 14 relating to racist violence while the Turks were faced with continuing racist violence and discrimination in Austria? Could those two attitudes possibly be interrelated?

NAZMUL QUAUNINE (Bangladesh) said the representative of Pax Christi International had made reference to an alleged massacre of the indigenous Jumma people in the Chittagong Hill Tracts. That reference was unfortunate and unwarranted, as the Government and people of Bangladesh had tried their best in a friendly manner to persuade the misguided Chakma tribal people, who were conducting a terrorist struggle. Following successful negotiations, Chakma refugees had started returning, as they were fully confident of their safety and security in Bangladesh. What more proof was needed to show the hollowness and crudeness of those allegations? If there had been a massacre, those who had been massacred would not react in that way by extending their hands of cooperation as evidenced by their return to Bangladesh. The people of Bangladesh would solve their own problem as they had done for thousands of years.

ZHANG YISHAN (China) said that several non-governmental organizations had launched allegations against the Chinese people. The end of the cold war had offered the chance of a brighter future. Yet, some people remained stuck in a cold war mode -- attacking and confrontational. Amnesty International saw China through rose-coloured glasses. Amnesty International and Human Rights Watch were not as concerned as the Chinese people to protect their own human

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rights. Now, by their own hand, they had banished hunger, increased life expectancy and generally improved the quality of life in the country. Attacks by non-governmental organizations would not obliterate those successes.

MAKMUR WIDODO (Indonesia) said the delegation of Portugal had made reference to allegations of torture, disappearance and executions in East Timor. Such references were politically motivated. The overwhelming majority in East Timor had decided their destiny by integrating themselves with Indonesia. Indonesia had made great efforts to promote human rights, such as the establishment of the National Commission of Human Rights. At their own initiative, they had invited the Special Rapporteur on Torture, as well as the Rapporteur on Summary Executions, to East Timor.

NEELAM SABHARWAL (India) said he was extremely disappointed by the statement of International Educational Development on the situation in Jammu and Kashmir, since the problems there were not as its spokesman had described, but were caused by Pakistani-sponsored terrorism. The fact that the organization had been allowed to visit the region contradicted its contention that the area was closed to international scrutiny. The fact was that Kashmir was not subject to religious or territorial problems, but to a low-grade war sponsored from abroad -- it was a victim of terrorism. India respected the rights of all in Kashmir, and no law protected any security troops who violated human rights; there was no impunity for them.

JOSE PEREZ NOVOA (Cuba) recalled that the United States had referred to Cuban journalists in jail. Were those the ones held in the United States? The people in jail in Cuba were not journalists, they were terrorists. Freedom of expression in the United States was a matter of economic interests. The radiation experiments in the United States, carried out without the consent of the participants and in secret, was a good example of the United States respect for freedom of expression.

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United Nations

Press Release

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SECRETARY-GENERAL OF UNITED NATIONS WORLD CONFERENCE ON WOMEN CALLS FOR SPECIAL RAPPORTEUR ON VIOLENCE AGAINST WOMEN

Human Rights Commission also Hears Statement From Secretary-General's Representative on Internally Displaced Persons

GENEVA, 22 February (UN Information Service) -- The Commission on Human Rights should appoint a special rapporteur on violence against women to demonstrate the commitment of the United Nations to eliminate such violence as a human rights obligation, the Secretary-General of the Fourth World Conference on Women, Gertrude Mongella, told the Commission this morning. The Conference on Women will take place from 4 to 15 September 1995 in Beijing.

Ms. Mongella, speaking as the Commission concluded its general debate on the human rights of detainees, added that the Special Rapporteur should be allocated sufficient resources, since institutions serving women were often underfunded and marginalized.

Also this morning, the Commission began debate on two new agenda items: further promotion and encouragement of human rights and fundamental freedoms, including the work of the Commission; and advisory services in the field of human rights.

Francis Deng, representative of the Secretary-General on the question of internally displaced persons, said this morning that while the United Nations High Commissioner for Refugees (UNHCR) and others assumed greater responsibility for internally displaced persons, no single organization at present took full responsibility for that tragic population. There was a considerable gap between the aspirations of his mandate and the resources available for its implementation.

Delegates from Cuba, Canada, France, United States, Australia and Brazil spoke this morning. Costa Rica, Pakistan, Portugal, Syria, Morocco, Philippines, India, United States and Indonesia exercised their right of reply.

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For information media--not an official record

Representatives of the following non-governmental organizations also participated in the debate: Arab Lawyers Union and the Women's International League for Peace and Freedom.

Statement by Secretary-General of Women's Conference

GERTRUDE MONGELLA, Secretary-General of the Fourth World Conference on Women, said that while in general laws were in place that de jure offered the same rights to men and women, the de facto enjoyment by women of their rights often lagged far behind because of discriminatory interpretation and application. A similar situation prevailed also at national and community level, often reinforced by culture, religious beliefs and societal norms. Today, the Convention on the Elimination of All Forms of Discrimination against Women remained the principal international human rights instrument which promoted the advancement of women within a rights-based framework.

Women's equality and non-discrimination, women's recognition as persons in their own right, and women's rights and responsibilities as citizens had a bearing on women's full and equal participation in political, civil, economic, social and cultural life, at the national, regional and international levels, she continued. Women's unequal status, starting in the family and continuing at all levels of society, was caused by the systemic, pervasive, structural and cultural nature of discrimination which women experienced both in public and private life. Furthermore, the monitoring performed by the Committee on the Elimination of Discrimination against Women revealed the lack of commitment and accountability of nations for the realization of women's human rights. In many countries, women's access to the most important prerequisites for economic development, such as ownership of property, land, capital and other means of production, was denied or not guaranteed, she added.

Relationships between men and women in the family in all societies were characterized by the inferior status accorded to the roles performed by women, and because of that unequal relationship, women's human rights continued to be violated and gender-based violence and discrimination occurred, she said. Measures to ensure human rights education for women remained limited. The Fourth World Conference on Women would identify the strategic action necessary for the realization of the goals of the Nairobi Forward-looking Strategies of women's equality, and to find new and more effective ways to make sure that women could enjoy human rights.

The anticipated appointment of a special rapporteur on violence against women at the fiftieth session of the Commission demonstrated the commitment and responsibility of the Member States of the United Nations to eliminate violence against women as a human rights obligation. The special rapporteur should be given a mandate not only to report on violence and its causes, but also to suggest action to be taken. There should be a built-in mechanism within the human rights regime to implement the rapporteur's findings in a specified time frame. Adequate resources should be allocated for efficient and effective functioning of the special rapporteur, since in most cases, institutions that served the women were underfunded and marginalized. Concerted action was needed not only on the part of Governments, but also of

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individuals and non-governmental organizations who would support the structural changes necessary for the realization of women's human rights and society's accountability to that goal.

Statements

JOSE PEREZ NOVOA (Cuba) said the struggle of the international community against torture and other inhuman and degrading treatment must be a focus of the Commission. In the United States, there had been reprisals against human rights workers, especially those who were indigenous peoples or African Americans. The United States justice system treated them unfairly. The Working Group on Arbitrary Detentions must look into those matters. The growing polarization of wealth, including in the so-called developed countries, was leading to great problems. There should be no impunity for those who committed serious offences. In the United States, human beings had been used without their knowledge as guinea pigs in nuclear medical experiments. The rights of such people must be protected. There must be punishment of the perpetrators and reparations for the victims.

AHMAD PARTOW, representative of the Arab Lawyers Union, said that certain Governments practised reverse terrorism with unconditional outside support, including from non-governmental organizations present today in the room, whose sole purpose at the Commission was to slander the name of Islam, against so-called militant Islamic groups. While such groups must be condemned for their indiscriminate use of violence against civilians and for distorting the tolerance of Islam for their own ends, one must not condone the arbitrary detention and torture that was being regularly practised against them in some States. In the region, the double standards of western Powers had manifested itself in the tacit support for the repression of the Arab people, as was clearly illustrated by the silence in the face of Israel's whimsical bombardment of the civilian population of Lebanon.

The international community must immediately condemn any collective form of punishment, such as bombardment. One must be particularly concerned over the present condition of the 25 detained United Nations employees, since torture was officially routine in Israeli jails. In addition and of particular concern was the continuing use of undercover Israeli military units to kill wanted Palestinians. The Commission must bring the world out of its coma by condemning the continuously revealed misconduct of the United Nations forces in Somalia, in the hope of returning them to the true objectives of their purely humanitarian mission, becoming instruments of peace rather than instruments of death.

SAMIRA ARBACH, of the Women's International League for Peace and Freedom, welcomed the accession by the Sri Lankan Government to the Convention against Torture and urged the Government to ensure its implementation. The League also underscored the persistence of impunity in Sri Lanka, asserting that the State systematically paid the fines imposed on police officers found guilty of fundamental rights violations. The Government was continuing to disregard the recommendations of the Working Group on Disappearances, as well as of other international human rights agencies, such as Amnesty International, regarding

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the prosecution and punishment of those responsible for human rights violations. Although the recorded number of disappearances in the country seemed to be less in 1993, that was because many of the arrests of Tamil and Muslim persons in the conflict areas went unrecorded. Both parties to the conflict were responsible for that state of affairs, and the League urged them to consider the initiation of a peace process without further delay.

MAXWELL YALDEN (Canada) said that just as effective mechanisms were necessary at the international level to implement the commitments made by States internationally, proper national institutions were the the guarantor of those commitments within the individual State. They were truly the acid-test of a country's resolve to deal openly and honestly with its human rights problems and a tangible sign that a country was prepared to be measured publicly against standards it set for itself. It made perfect sense for international and national human rights mechanisms to be mutually reinforcing. The Universal Declaration and the international conventions provided the foundation of the world's human rights system. National institutions, like Governments and non-governmental organizations, had a special perspective to bring to bear on human rights questions that should be heard.

PAUL BOUCHET (France) said that the independence of national institutions for human rights was crucial for progress. The French Commission was proud of its almost 50 years of activity. Recently, it had received from the Prime Minister explicit acknowledgement of its independence. True national human rights work was complicated and painstaking. It was not simplistic and did not consist simply of approval of measures taken by the Government. Action was required in favour of women and underprivileged people, such as the disabled, children, migrants and minorities. Torture and inhuman or degrading treatment was being used in a number of countries, and an urgent appeal should be sent to all national organizations to have them stress to their Governments that no use of torture or other degrading treatment was ever acceptable.

GERALDINE FERRARO (United States) said that violence against women knew no borders. It was not confined to the poor nor to the rich; it was not a problem of the developed or the developing world. It was universal. Violence against women was a reflection of their second-tier status. Until women had an equal voice, violence against them would continue not just in the home, but in the boardroom and in the chambers of justice and in the dark councils where men made decisions about who would live and who would die. Passage of the Commission's draft resolution on violence against women would, for the first time, give it genuine tools to address that problem

But that was just the beginning. It was for the Commission, too, to begin taking steps to put an end to the continuing assault on refugee women and girls. A great deal must change before violence and prejudice was no longer the daily lot of millions of women across the globe. When the day finally came, when the women of the world joined their fellow men in the full and equal enjoyment of their human rights, it would not be just the women who profited from it. It would be all of humankind.

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PENELOPE WENSLEY (Australia) said that the Vienna Declaration had contained a modest paragraph included as a result of an initiative taken by Australia which recommended that each State consider the desirability of drawing up a national plan identifying steps it might take to improve its observance of human rights. She said she was pleased today to be able to present Australia's national action plan. It proposed Government measures across the full range of civil, political, economic and social rights, including the rights of indigenous peoples, of children and of women, as well as the right to health and education, to give just a few illustrations.

Given the short time frame, the national action plan was predominantly concerned with the policies of the federal Government, she said. It was envisaged that Australia would review the national action plan in five years' time. Australia remained conscious that it must itself subscribe to the principles and rights it sought to uphold. Australia's record had been far from perfect, in particular, in respect to the treatment of aboriginal and Torres Strait islander peoples. Steps had to be taken to improve the promotion and protection of human rights.

GILBERTO VERGNE SABOIA (Brazil) said that it was time to adjust the system that had been established over the years to promote and protect human rights. In close coordination with the policy-making bodies of the United Nations, the new High Commissioner should integrate human rights activities, look into compliance with human rights standards from an integrated approach, and play a central role in the enhancement of international cooperation in human rights. Adequate resources must be allocated to international cooperation and technical assistance in human rights. The Secretary-General should submit proposals for alternatives for the establishment, structure, operational modalities and funding of legal measures on human rights. A special rapporteur should look into the question of violence against women. The increased number of rapporteurs and different mechanisms, as well as the complexity and sometimes overlapping nature of their mandates, called for increased coordination.

Rights of Reply

JAVIER RODRIGUEZ ALPIZAR (Costa Rica) said that Monday, the Commission for the Defence of Human Rights in Central America had referred to Costa Rica. In fact, the prison system in Costa Rica was among the best in Latin America and in the world, as had been observed by the United Nations Development Programme (UNDP) in its annual report. Some non-governmental organizations should really inform themselves a bit more before giving assessments. The non-governmental organization had referred to something, but it had not given any details. If it had information, it should please spell it out, both to Costa Rica and to the Commission.

SHAFQAT KAKAKHEL (Pakistan) said the statement made by the delegate of India yesterday would go down in the records of this session as a masterpiece of disinformation and arrogance. The so-called document signed by the ruler of Jammu and Kashmir declaring the State's accession to India was secured by India under duress. If India was convinced that the ruler's accession had

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finally made Kashmir an integral part of India, why did India agree to the plebiscite in the first instance? That plebiscite had not been held so far only because India chose to renege on its commitment and to annex Jammu and Kashmir. Pakistan had agreed to all the arrangements for a plebiscite. India had rejected those arrangements. If Jammu and Kashmir was an integral part of India, why had the Kashmiris waged a struggle for self-determination, he asked. He called for greater pressure so that the world community would be able to see the tragic plight of the Kashmiris and to alleviate their sufferings.

GONCALO DE SANTA CLARA GOMEZ (Portugal) said the international community could not ignore the reports from working groups and Special Rapporteurs that serious human rights violations continued in East Timor. Portugal had mentioned only those reports, although it could have quoted other reliable sources. Portugal welcomed any steps taken by the Indonesian authorities to improve human rights in East Timor. The recent invitation to the Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions to visit East Timor was such a step. Only in that fashion could a just and internationally acceptable solution be reached. Portugal had repeatedly affirmed that it would cooperate with the United Nations in resolving the post-colonial problems in East Timor.

CLOVIS KHOURY (Syria) said that with regard to claims concerning the safety of international civil servants, five United Nations staff had allegedly disappeared in 1993. Two had been sentenced, and the whereabouts of three others was unknown. They had been tried for belonging to terrorist groups. The United Nations request for further information would be conveyed to the competent authorities. Concerning allegations by Reporters without Borders, all the persons arrested, including journalists, had been arrested within the law and the accused were duly charged, if necessary. There were no prisoners of conscience in Syria. The Constitution protected the right to freedom of expression for all.

EL GHALI BENHIMA (Morocco) said that Morocco had repeatedly supported the role of non-governmental organizations in human rights. At the same time, it had no hesitation in saying that some of them did not fully investigate allegations, and came here each year and held a sort of festival. In drawing attention to supposed disappearances in Morocco, they were relying on false information and unsubstantiated reports. Dates and locations mentioned for some supposed disappearances showed that the abductions had occurred in territories that were not even under Moroccan control at the time. Morocco could refute other wholesale falsifications by non-governmental organizations, if necessary.

LEO PALMA (Philippines) said he recognized that the comments of the World Student Christian Federation emanated from a desire to help. However, the statement that 1,080 people had been arrested since the Government took over was not accurate, since there were no political prisoners in the Philippines. All the persons arrested had gone beyond the limits of the law in pursuing their political beliefs and had committed criminal acts. There were still two armed insurrection movements in the country. However, the Government was

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considering dismantling a certain number of the Citizens' Armed Forces Geographical Units.

NEELAM SABHARWAL (India) said that the delegate of Pakistan had not refrained from telling lies about India, and so India had to respond by telling the truth once again. Ending aggression was the first step in reaching a resolution of the problems in Jammu and Kashmir. Pakistan had continued the aggression. How could it then call for an international settlement? Pakistan was a terrorist State conducting an undeclared war on Indian territory. The cold truth was that Pakistan was sacrificing the interests of Kashmiris to its own territorial ambitions. The Commission must challenge and check the use of terrorism as a weapon of war against States.

Ms. FERRARO (United States) said that in reference to the radiation tests conducted on American citizens and referred to by Cuba, information on those experiments had recently come to light, and the Government already had committed itself to compensating the victims.

MAKMUR WIDODO (Indonesia), responding to Portugal, said that the allegations of the Special Rapporteurs had yet to be proven. In East Timor, unsubstantiated allegations would only complicate the issue. Indonesia was committed to the process of tripartite dialogue to find a solution to the problems in East Timor.

Mr. KAKAKHEL (Pakistan) said that the Commission was not the forum for resolution of the problem of Jammu and Kashmir. India was killing, torturing, raping and burning Kashmiri towns with impunity. That was terrorism. All the Kashmiris had done was to refuse Indian domination. He called for the sending of a commission of inquiry to go to all of Jammu and Kashmir to find out what was happening and what could be done there.

Statement by Representative on Internally Displaced Persons

FRANCIS M. DENG, representative of the Subcommission on Internally Displaced Persons, said that there was a considerable gap between the aspirations of his mandate and the resources, human and material, available to its implementation. Some reports stated that the number of internally displaced persons had now climbed to 30 million. While there were many causes of internal displacement, the most common and particularly formidable were internal conflicts, communal violence, forced relocation and other gross violations of human rights. Civil wars, especially those pertaining to racial, ethnic and religious conflicts, were by far the most problematic.

As a matter of principle, the responsibility to protect the national population was an essential part of State sovereignty, he said. There were considerable variations in the performance of Governments and other controlling authorities in their ability or willingness to provide their people with adequate protection and assistance. Often, there was a vacuum of responsibility for the protection of the population. In such a situation, the international community was called upon to step in. The problem of internal displacement could only be solved if its causes were addressed.

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On the issue of legal norms, the bottom line was that there was currently no instrument focused on the specific needs of internally displaced persons. And while the UNHCR and others assumed greater responsibility for internally displaced persons, the fact remained that no single organization at present took full responsibility for that tragic population and attended to their particular needs. It would be tragically ironic if the international community were to become complacent in addressing the crisis of internal displacement because of the existence of that mandate, he concluded.

Background Documentation on Human Rights

The Commission had before it several reports that examine alternative approaches within the United Nations system to improve the effective enjoyment of human rights. In addition, there were a number of reports detailing the work of national institutions for the protection of human rights and reports on the coordinating role of the Centre for Human Rights.

A report of the Secretary-General prepared pursuant to Commission resolution 1993/46 notes that the Centre for Human Rights was intending to continue to follow closely and participate actively in the preparatory process for the Fourth World Conference on Women, as well as in activities of the International Year of the Family in 1994.

A report of the Secretary-General on the development of public information in the field of human rights, including the World Public Information Campaign for Human Rights, concludes that the Campaign was increasing awareness about human rights throughout the world, although much more needed to be done. In addition, human rights education was essential for the promotion and achievement of stable relations among communities and for fostering mutual tolerance and understanding.

A report of the Secretary-General on civil defence forces contains a summary of additional information and comments received concerning civil defence forces and their relation to the protection of human rights and fundamental freedoms. To date, the Secretary-General has received responses from the following States pertaining to that issue: Botswana, Cape Verde, Croatia, Cyprus, Denmark, Honduras, India, Jordan, Kazakhstan, Nepal, Peru, Russian Federation, San Marino, Saudi Arabia, Senegal, Tunisia and Ukraine, as well as verbal responses from Cameroon and Mauritania.

A note by the Secretariat on discrimination against HIV-infected people or peoples with AIDS states that in resolution 1993/53, the Commission decided to consider at its fiftieth session the final report of Luis Varela Quiros, Special Rapporteur of the Subcommission on Prevention of Discrimination and Protection of Minorities, on discrimination against HIV-infected people or people with AIDS.

A report of the representative of the Secretary-General on internally displaced persons concludes, among other things, that: it would be tragic if the international community became complacent in addressing the crisis of internal displacement because of the existence of his mandate; and that the

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normative principles and enforcement mechanisms for international action were clearly inadequate and ineffective. The addendum to the report, on displacement in Sri Lanka, concludes, among other things, that: efforts to come to a negotiated peace agreement needed to be vigorously pursued; and that priority needed to be given to developing alternative long-term solutions for those communities that would not be able to return to their original areas of residence in the foreseeable future.

A report of the second international workshop on national institutions for the promotion and protection of human rights makes specific recommendations regarding the protection of disabled persons, children, women and migrants, and on arbitrary detention. Furthermore, the participants were deeply concerned about the violence and infringements on human rights in Algeria and supported the work of the Algerian national institution for human rights.

Other reports of the Secretary-General include: human rights education, which proposes a plan of action for a United Nations Decade for Human Rights Education; regional arrangements for the promotion and protection of human rights in the Asian and Pacific Region, which in an annex lists the status of ratifications by States of the region of the principal international human rights instruments; strengthening of United Nations action of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity, which indicates that there exists a wide consensus among Member States that promoting international cooperation was essential to strengthening the United Nations action in human rights, but that only a number of Governments had so far elaborated the question of ways and means to promote such cooperation.

The focus of other reports of the Secretary-General covered: effective functioning of the various mechanisms established for supervision, investigation and monitoring of the implementation of the treaty obligations entered into by States in regard to human rights and of the existing international standards in that regard, which discussed treaty and non-treaty mechanisms; human rights and mass exoduses, which highlighted the responses from Austria, Chad, Colombia, Cuba, Denmark, Finland, Guatemala, Iraq, Nepal, Holy See, UNHCR, International Federation Terre des Hommes, and Amnesty International to the Secretary-General's request for information and views relating to mass exoduses of refugees and displaced persons; and strengthening the Centre for Human Rights of the Secretariat, which outlined several additional proposals to increase further the resources of the human rights programme in 1994-1995, including budgetary and staffing amendments. Also before the Commission will be a note by the Secretariat on human rights and thematic procedures.

Advisory Services in Human Rights

Among the documents before the Commission under the agenda item was a report that reviews advisory services in the field of human rights, including the Voluntary Fund for Technical Cooperation. The report covers mandates,

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policy and practice, system-wide coordination, implementation of the programme under the regular and Voluntary Fund budgets. It also reviews projects under way in Africa, Asia, Europe and Latin America.

The report states, in connection with advisory services and technical assistance to Cambodia, that in order to ensure a continued United Nations human rights presence in that country after the expiration of the mandate of the United Nations Transitional Authority, a field office was established in Phnom Penh, and the office has begun implementing a number of educational and technical activities.

With regard to the situation of human rights in Albania, the report covers projects implemented under advisory services and technical cooperation in the field of civil, political, economic, social and cultural rights as part of the democratization process.

As to the situation of human rights in Romania, the report reviews the advisory services and technical assistance provided to the Government of Romania during 1993. Such assistance included technical, organizational and documentary support to the Romanian Institute for Human Rights. It concludes that the Institute was extremely active in 1993. It was becoming a well-equipped research Centre and had helped to train many persons directly concerned and had made human rights known to a wider public. Such activity was still indispensable, it states, after more than 40 years of a regime which had isolated the people and systematically violated their human rights. The report recommends, among other things, that the advisory services of the Centre for Human Rights continue their work in Romania in one way or another. What was needed in particular was the appointment of an independent expert to be able to devote himself entirely, for at least one year, to his work in Romania.

With respect to advisory services in the field of human rights in Somalia, the report assesses the current situation there and recommends that the Human Rights Unit of the United Nations Operation in Somalia (UNOSOM II) be strengthened and expanded to be able to deal effectively with any violations of human rights by the UNOSOM II forces. Moreover, once the structures for the governance of Somalia were in place, the Secretary-General had, if possible, to help in the establishment of an office of a commissioner for human rights or ombudsman for Somalia.

As regards technical cooperation with the Government of Paraguay in the sphere of human rights, the report recommends that external cooperation should be reoriented so as adequately to cover the various areas of human priority, such as human rights, judicial reform, ecological problems, peace-keeping processes and action to combat poverty and social marginalization, and the protection of indigenous communities.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/534
24 February 1994

COMMISSION ON HUMAN RIGHTS DISCUSSES CHANGES TO AGENDA

GENEVA, 22 February (UN Information Service) -- The Chairman of the fiftieth session of the Commission on Human Rights, Peter Van Wullften Palthe (Netherlands), this afternoon suggested that a thematic reordering, rather than a revision, of the agenda of the Commission was advisable, so that it would be less cumbersome, more topical and would contain fewer items under more general headings.

The Chairman's proposal would reduce the number of agenda items from 25 to 17. Agreement to that end seemed to exist in the Commission, he said, and while the "reclustering" of the agenda was not even a very fundamental change, he felt that "no other logical point of departure existed without holding a fruitless, endless debate". The aim was a leaner agenda, he said. If the Commission did not take a step forward now, when would it? he asked.

Some 20 delegations took the floor on the subject. Topicality of agenda items was stressed and the suggestion was made that items that ceased to preoccupy the international community should be deleted. Other speakers warned, however, that deletion of existing unresolved situations from the agenda could benefit the perpetrators of human rights violations. Some delegations proposed that an open-ended working group should be established to take those decisions. Other speakers felt that the length of the Commission's session should be trimmed from six weeks to four.

All delegations welcomed the Chairman's initiative and said that any change to the prevailing situation of lack of time and an overloaded agenda would be welcome. In addition, some said that the streamlining of the agenda, while welcome, was only a first step, and should lead to overall reform and rationalization of work.

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United Nations

Press Release

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25 February 1994

ALLEGATIONS OF DISCRIMINATION AGAINST SERBS, MUSLIMS 'THOROUGHLY UNJUSTIFED' DEPUTY PRIME MINISTER OF CROATIA TELLS HUMAN RIGHTS COMMISSION

President of Macedonia Assembly also Speaks, Cites Attempts of 'Southern Neighbour' to Prevent Full Integration into Europe

GENEVA, 24 February (UN Information Service) -- Allegations of discriminatory treatment of Serbs and Muslims in Croatia were "thoroughly unjustified" in the light of the heavy burden of war and the Serbian aggression Croatia was still exposed to, Croatia's Deputy Prime Minister told the Commission on Human Rights this morning. Mate Granic, who also serves as Croatia's Minister of Foreign Affairs, said the nation was making major efforts to protect citizens of all ethnic backgrounds in a situation in which one third of its territory was still occupied by Serbian forces and the remainder was flooded with 550,000 refugees and displaced persons.

He added that an offer had been made to normalize relations with Croatian Serbs and to grant them autonomy in localities where they made up the majority, but success would depend on the response of the Government of the Federal Republic of Yugoslavia (Sebia and Montenegro) which, he said, bore the responsibility for starting the war and could not "shy away from its duty to exert direct pressure on those local Serb authorities still unwilling to give peace a real chance".

His remarks were followed by an address by the President of the Assembly of The former Yugoslav Republic of Macedonia, Stojan Andov, who said that the Republic had made great efforts to gain independence by peaceful means and had succeeded. The international community and Europe, with the exception of one State, had supported his country's policy to gain independence peacefully. He trusted that the international community would continue to support its peaceful foreign policy of good-neighbourly relations and that its southern neighbour would not be allowed to use punitive unilateral measures, contrary to international law, to provoke and destabilize the country and to prevent its full integration into Europe

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Following the speeches, the Commission continued debate on the topic of the further promotion and encouragement of human rights.

Statements were made by the representatives of Canada, Colombia, Germany, Cyprus, China, Italy, Japan, Austria and India. Cuba spoke in exercise of the right of reply.

The Chairman, Peter Van Wulfften Palthe, in closed meetings Wednesday, 23 February, announced that the Commission had examined human rights situations in nine countries: Armenia, Azerbaijan, Chad, Estonia, Germany, Kuwait, Rwanda, Somalia, and Viet Nam. It was decided to discontinue further investigation of Estonia, Germany, Kuwait, Somalia, and Viet Nam.

Statement by Deputy Prime Minister of Croatia

MATE GRANIC, Deputy Prime Minister and Minister of Foreign Affairs of Croatia, said that there was now a choice to be made in the former Yugoslavia; to reach out for peace, so desperately needed, or to plunge deeper into a war that had already unleashed unspeakable acts of brutality and horror. Croatia could only hope that the long-awaited international action, including military intervention, would convince the proponents of the policy of chauvinistic hatred and territorial conquest to accept a just peace and respect for international law. Croatia had acceded to all key conventions dealing with international humanitarian law and confirmed the acceptance of all basic United Nations, Conference on Security and Cooperation in Europe (CSCE) and Council of Europe documents. Croats had also accepted continuing floods of refugees and displaced persons, including hundreds of thousands of Muslims from Bosnia and Herzegovina.

The Government was fully aware of its shortcomings regarding the status of human rights in the country, he went on. Much remained to be done, but it was important to bear in mind that one third of its territory was still occupied by Serbian forces, the war against Croatia had inflicted gross casualties and the country was coping with the burden of approximately 550,000 refugees and displaced persons. Croatian authorities were often subjected to criticism in the mass media for procedural irregularities in obtaining Croatian citizenship, forceful evictions from apartments and the like. Substantial explanations of those problems were provided in a special document which was circulated. Should the threat to independence and territorial integrity be removed and the war ended, the human rights situation in Croatia would dramatically improve.

Meanwhile, allegations of discriminatroy treatment of Serbs and Muslims were "thoroughly unjustified" in the light of the heavy burden of war and the Serbian aggression that Croatia was still exposed to, he continued. Croatia wanted to normalize relations with Croatia's Serbian minority and had put forward proposals that would guarantee that minority local autonomy in the areas where they were in the majority, according to the 1991 census, and cultural autonomy within Croatia as a whole. It had also enacted a law granting amnesty to all but those who had committed war crimes against Croatia.

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But no one should have illusions that in pursuing the objective of negotiations the Government of Croatia would compromise its territorial integrity, he said. The offer of negotiations had also been extended to the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro), which bore responsibility for starting the war and "could not shy away from its duty to exert direct pressure on those local Serb authorities still unwilling to give peace a real chance". Croatia continued to support the Geneva negotiations and the proposals on the Union of Bosnia and Herzegovina, and the Action Plan of the European Union and all diplomatic initiatives, particularly the latest one. Even today ethnic cleansing continued and the remaining non-Serb population in the United Nations Protected Area (UNPA) zones in Croatia was exposed to constant harassment, unbearable terror and forced expulsion.

Address by The Former Yugoslav Republic of Macedonia

STOJAN ANDOV, President of the Assembly of The former Yugoslav Republic of Macedonia, said that while in essence all human rights were of equal value, the sphere of rights of members of national and ethnic minorities, the religious and linguistic, had not been adequately attended to. One of the main generators of war was the unresolved issues of minorities. The epidemic of violations of human rights in the world had not subsided. It was especially tragic in his region. The failure of the international community to stop the Balkan war gave strength to nationalists to spread their doctrine of selfishness and ethnic cleansing and to undertake measures to destabilize their neighbours. What would happen if the war in Bosnia was allowed to spread? he asked.

Common sense should prevail and solutions by negotiations and peaceful means should be sought, he continued. No other alternative was possible given that a certain number of the Balkan regimes were determinedly in favour of resuming the accumulated Balkan problems by pressure, blockades, threats and even war, if necessary. Preventive activities against human rights violations and destabilizing situations were very important and wise. It was well known that in the Republic, United Nations peace-keeping forces and United States troops had been deployed for just that purpose, he said.

His country had made great efforts to gain independence by peaceful means and had succeeded. If it had failed, the international community would have been faced with a Balkan war, probably more horrible and dangerous for international peace and security than the war in Bosnia and Herzegovina. The international community and Europe, with the exception of one country, had supported The former Yugoslav Republic of Macedonia's policy to gain independence peacefully. That could be seen in the admission of the country to the United Nations and in the establishment of diplomatic relations with many countries. He believed that the international community would continue to support his country's peaceful foreign policy of good-neighbourly relations and that its southern neighbour would not be allowed to use punitive unilateral measures, contrary to international law, to provoke and destabilize

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the country and to prevent its full integration into Europe, by dishonourably using its problems as a developing country, a country in transition and a land-locked country.

Statements

RACHID DRISS (Tunisia) recalled that two important international meetings on the effective functioning of national institutions for the protection of human rights had been held by Tunisia in December 1993. They were attended by non-governmental organizations, representatives of United Nations States and ombudsmen and they considered the question of the independence of such institutions and the nature and relationship between national institutions and similar organizations. In the years to come, the relationship between the national institutions and the Centre for Human Rights should be strengthened. The Centre was working on a manual for national human rights institutions which suggested ways of cooperation, information exchanges and joint activities. The rights of women had also received particular attention at the meetings.

ANNE PARK (Canada) said that the fiftieth session of the Commission was a most fitting occasion to address the human rights of that 50 per cent of humanity -- the world's women -- whose rights and freedoms had for too long been ignored or violated. The horrifying personal testimonies by women from all regions at the Global Tribunal on Violations of Women's Human Rights, held parallel to the Vienna World Conference, for example, was a painful reminder to all that such violations could no longer be dismissed as private, family, cultural or religious matters. They must be recognized for what they were: the cruel and pervasive denial of universal human rights.

The widespread and pervasive problem of gender-specific violence remained a major obstacle to the full enjoyment by women of their fundamental rights, she continued. The appointment of a special rapporteur on violence against women would be a key step in the Commission's efforts to eliminate this serious problem. But efforts must not be confined to the rapporteur's work. To ensure meaningful integration of women's rights throughout the United Nations human rights system, it was critical that all Rapporteurs, Working Groups, treaty bodies and other human rights mechanisms addressed gender-based violence and violations of women's human rights in their investigations, reports and recommendations.

MARIA CARRIZOSA DE LOPEZ (Colombia) said that the strategic objectives of the violent activities of armed groups and terrorists endangered Colombia's national reconciliation and peace efforts. The achievement of human rights was also jeopardized. The continuing violence of those armed groups prevented the enjoyment of basic human rights and led the rest of the population to frustration and despair. In Colombia, peasants and other innocent persons continued to be victims of the guerrillas. The repercussion of measures taken against the narco-trafficking groups had also affected the enjoyment of human rights of the rest of the population. Last week, she said, 35 members of the political movement "Esperanza, Paz y Libertad" had been assassinated by a rival armed group. An explosive device planted in Bogota had also injured 100

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people. Such violent action had grave consequences for the national reconciliation efforts of the Government.

ALOIS JELONEK (Germany) said that women were still the victims of gender-specific human rights violations. They were raped and tortured in refugee camps, prisons and police custody, used as hostages and pawns in armed conflicts, and turned into victims of mass rape and ethnic cleansing. In the former Yugoslavia, the speedy assumption of work by the Tribunal would be a decisive step towards an effective protection of human rights. Women not only suffered from individual violence, but also from social violence as an expression of male dominance and the unequal treatment of women and men.

In many countries with marked patriarchal systems, women were denied fundamental rights, girls were sexually mutilated and unwanted newborn girls murdered, often on grounds of traditions supposedly having their roots in culture or religion, he said. In addition, women had to bear most of the burdens of poverty, which in turn made them the victims of sexual exploitation, slavery and forced prostitution. United Nations instruments to monitor the many international agreements aimed at the protection of women and their rights had to be strengthened. He supported the nomination of a special rapporteur on human rights violations against women. The reports of that special rapporteur should in turn be considered with priority.

SOTIRIOS ZACKHEOS (Cyprus) said that human rights law which applied by definition only to persons who had crossed borders did not currently and directly address such cases as forcible displacement or return to unsafe areas. The root causes of the problems of refugees were famine, poverty, ecological disasters, armed conflicts and foreign aggression, as well as the lack of democratic institutions and values. Refugee problems called for a concerted effort at the local, regional and international level as well as early warning and strong preventive measures and urgent humanitarian aid should be provided.

The situations in the former Yugoslavia and Somalia had shown that Governments and armed groups should refrain from placing obstacles to international humanitarian operations. Moreover, international assistance should not be limited to food rations but should include new skills and special programs to alleviate the pain and suffering of vulnerable groups. A settlement of the Cyprus problem based on the United Nations resolutions, with full guarantees of the human rights and fundamental freedoms of the people of Cyprus as a whole, was needed and he said he agreed to discuss the modalities for the implementation of a package of confidence-building measures.

ZHANG YISHAN (China) said that many countries believed it necessary to rationalize the Commission's agenda and work because it had deviated from the purposes and principles of the Charter and blocked the promotion of international cooperation in the human rights field and the universal realization of human rights and fundamental freedoms. The rationalization exercise should, by basing itself on a review of the Commission's past experience and lessons, bring an early end to the various maladies and abnormal phenomena such as politicization of human rights, double standards and interference in other countries' internal affairs in the name of human rights.

The practice of frequently exerting political pressure on other countries through resolutions was already out of date, and proved to be counter-productive rather than conducive to the promotion of human rights, he continued. The Commission should ensure objectivity and non-selectivity on human rights issues and promote dialogue, cooperation, exchange of views and experience on human rights issues among countries on the basis of mutual respect and equality, increased understanding and complementarity. Only in that way would it be possible to promote and protect human rights and fundamental freedoms effectively. The Commission should, in reforming its agenda, attach importance to economic, social and cultural rights and the rights to development and ensure the balance between political and civil rights on one hand and economic, social and cultural rights and the right to development on the other.

PAOLO TORELLA DI ROMAGNANO (Italy) said that Italy, during the last General Assembly, had launched the idea of setting up an International Court on Human Rights. The Commission was traditionally the most appropriate forum for a more elaborate approach to such a problem. With the sole exception of article 41 of the International Covenant on Civil and Political Rights, the United Nations human rights law did not offer, so far, any possibility for the individual to appeal to an international forum, in case of alleged violation by a State of a fundamental right.

The Commission should create an ad hoc committee to study the feasibility of creating an international system to investigate individual claims of violations of human rights, which could take a binding decision on the claim, he said. While monitoring systems depended to a large extent on considerations of various nature, and did not directly assist individuals in their struggle to see their own rights recognized, a court of justice would be the only way of having recourse to a judicial procedure, empowered to decide with binding force, on rights and wrongs of individuals and States. Turning to public information activities, he said that the effective and broad dissemination of human rights information was essential to the promotion and protection of human rights and fundamental freedoms.

SHUNJI MARUYAMA (Japan) recalled that over the last 30 years, the human rights situations in South Africa and the Near East had been the issues that dominated the Commission. At this year's session, however, expressions of goodwill with regard to the future of Palestine had been made by the Chairman of the Palestine Liberation Organization (PLO), Yassar Arafat, and the Foreign Minister of Israel, Simon Peres. Moreover, representatives of the Government of a democratic and united South Africa would be invited to the next session. It was therefore time that the Commission took further steps towards its ultimate goal. Japan welcomed the fact that the human rights of women had received the attention of the World Conference and the Commission.

In addition, the Commission, with the support of the Centre on Human Rights should play an active role in identifying and publicizing all violations of human rights, and appealing to the international organizations, including Governments, related international organizations and non-governmental organizations, to provide assistance to refugees and internally displaced persons whose rights were being violated all over the world, he said. Strengthening the Centre for Human Rights was essential to making greater progress in promoting and protecting human rights. Japan welcomed the decision of the General Assembly last year to increase the Centres' human and financial resources. The momentum of the last year should not be lost, nor should the spirit of cooperation be allowed to dissipate.

BIRGIT KOFLER (Austria) said that the Declaration on the Elimination of Violence against Women took into consideration that the majority of acts of violence were committed within the family, and it stated very clearly the obligation of States in that area. In 1992, a campaign on violence against women had been initiated by the Austrian Minister for Women's Affairs, to deal with violence against disabled women, refugees and migrant women, elderly women and female children. The Commission had an important task to take further steps to eradicate violence against women. The mandate to be given to the special rapporteur should be as precise and focused as possible. Austria was looking forward to the appointment of an experienced woman to that post and called for systematized cooperation between the Centre for Human Rights and the Division for the Advancement of Women. The International Tribunal for the prosecution of persons who committed war crimes in the former Yugoslavia should pursue those responsible for sexual violence against women, especially rapes and mass rapes.

VIRENDRA DAYAL (India) said that to be fully credible, a national human rights institution should have certain essential attributes: it should have a sound statutory or constitutional basis; it should be autonomous; it should be transparent in its methods of work; it should have the capacity to deal with all violations of human rights; it should have the capacity to promote and protect human rights; and it should contribute towards creating a culture of human rights. In India, the relevant Statute law had sought to assure those attributes. Members of the National Commission could not be removed during their term of office unless the Supreme Court held that they should be so removed, following a reference to the Court by the President. The Commission had its own secretariat and was appointing its own investigative staff.

At its very first meeting, the Commission had instituted a proceeding over a serious incident in Jammu and Kashmir, arising out of an action conducted by elements of the paramilitary forces and resulting in the death and wounding of civilians. The Commission also had taken notice, on the basis of a complaint from a Citizens Council of another town in Jammu and Kashmir, of a further instance of firing by security forces personnel resulting in death and injury. Also, contacts had been instituted with the armed forces and police establishments in matters relating to the promotion and protection of human rights and the training of their personnel.

Right of Reply

MARIANELA FERRIOL ECHEVARRIA (Cuba) said that on Tuesday the delegation of the United States had said that few women benefited from democracy in Cuba. In fact, Cuban women were fully involved in many social projects and plans aimed at achieving real democracy for all of its citizens. Strangely, the United States had reviewed the condition of women throughout the world, but had ignored the problems of women in the United States. There was no mention of the increase in child prostitution and child pornography in the United States. That was no example to try to impose on the rest of the world.

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United Nations

Press Release

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REPORTS ON IRAN, AFGHANISTAN, HAITI, MYANMAR INTRODUCED IN COMMISSION ON HUMAN RIGHTS

Debate Continues on Further Promotion of Human Rights

GENEVA, 24 February (UN Information Service) -- The fiftieth session of the Commission on Human Rights continued its work this afternoon in an extended meeting, which began with four of its Special Rapporteurs or Representatives introducing their reports.

The Special Representative on Iran, Galindo Pohl, noted that Iranian authorities had called his report on the situation "prejudicial and motivated by political concerns". On that, a difference of opinion existed, he said. He believed unwaveringly in the universality of human rights and in international obligations. Iran believed in that universality too, but believed that the universality must be adapted to a country's needs, in particular the religious ones of Iranian society. Mr. Pohl called on the Government of Iran to cease its practice of executions and permit the freedom of the written and spoken press. He also said the rights of the Baha'i should be respected.

The Special Rapporteur on the situation in Afghanistan, Felix Ermacora, introducing his report, said that the effects of the ongoing conflict had been disastrous for human rights. Since January, 900 people had been killed and 10,000 injured. Some 900,000 people had fled into exile, or become refugees or displaced persons. Respect for civil and political rights enshrined in the international human rights treaties to which Afghanistan was a party was a wish, not a political reality. A step in the right direction, he said, would be if those who were providing the warring sides with the highly sophisticated weapons would give equal amounts towards reconstruction of the country and if those who demanded peace had the courage and strength to demand that all the weapons be handed in.

The Special Rapporteur on Haiti, Marco Tulio Bruni-Celli, told the Commission that the intense international pressure to resolve the situation in Haiti was continuing. There was simply no government in Haiti, he said. It was currently occupied by various armed gangs who sowed terror and acted with

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For information media--not an official record

absolute impunity. Despite 30 months of effort and pressure, President Aristide was still in exile. He recommended that the Security Council maintain and even step up sanctions and keep on exploring new formulas to help the Haitian people rid their country of the reign of terror. Only by maintaining political pressure could the rights of the Haitian people be reinstated.

The Special Rapporteur on Myanmar, Yozo Yokota, introduced his report by saying that, in general, the people there did not enjoy freedom of thought, opinion, expression, publication, or peaceful assembly and association. They were always fearful that whatever they did or said would risk interrogation by the police or military intelligence. The Government should consider accession to human rights treaties and domestic law should be brought into line with accepted international standards regarding protection of physical rights, including the right to life, prohibition of torture, protection of detainees and guarantees of freedom of assembly and expression. The Special Rapporteur also called for the immediate release of Daw Aung San Suu Kyi, Nobel Peace Prize laureate.

Following their introductory statements, the Commission resumed its debate on the further promotion and encouragement of human rights. That item, along with the issue of advisory services in the field of human rights, included the methods of work of the Commission, women's human rights, the role of national institutions, mass exoduses, the coordinating role of the Centre for Human Rights and the International Year of the Family.

The representatives of Cameroon, China, and Indonesia took the floor, as did the observers for New Zealand, Paraguay and El Salvador, and the representatives of the United Nations Development Fund for Women (UNIFEM), United Nations Crime Prevention and Criminal Justice Branch (Vienna), and the United Nations Observer Mission (ONUSAL) for El Salvador.

The following non-governmental organizations also participated: Third World Movement against the Exploitation of Women (on behalf of five other non-governmental organizations); Human Rights Advocates; International Human Rights Law Group (on behalf of three other non-governmental organizations); Amnesty International; Friends World Committee for Consultation; Inter-Parliamentary Union; Caritas Internationalis; and Human Rights Watch.

Other non-governmental participants were: International League for the Rights and Liberation of Peoples; International Association of Educators for World Peace; International Organization for the Development of Freedom of Education; International Gay and Lesbian Association; International Council on Social Welfare (on behalf of 39 other non-governmental organizations); American Association of Jurists; Liberation; International Association against Torture; International Federation of University Women; and the Sierra Club.

Statements

MARGARET MULGAN (New Zealand) welcomed the recent establishment by governments of new national institutions for the protection and promotion of

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human rights, particularly in the Asia-Pacific region. Since the first international workshop of national institutions and the drawing up of the Paris Principles in 1991, the growing network of human rights commissions had been increasingly strengthened. Of special interest to the New Zealand Commission, in the year in which New Zealand had celebrated 100 years of suffrage for women, was the resolution to back the programme of action of the Centre for Human Rights in the goal of universal ratification of the Convention on the Elimination of Discrimination against Women (CEDAW) by the year 2000.

The New Zealand Parliament had passed into law a new Act which widened substantially the grounds on which discrimination was unlawful in New Zealand, she said. Discrimination was now unlawful on the grounds of sex, marital status, religious or ethical belief, race, colour or national or ethnic origin, disability, age, employment status, family status, political opinion and sexual orientation. The Act also greatly strengthened the wider powers of the Commission and clearly linked its mandate to the International Covenants or Conventions on human rights.

ROXANNA CARRILLO, of the United Nations Development Fund For Women (UNIFEM), said that human rights was not a one-size-fits-all commodity, although officials often responded as if it were. Three-quarters of the world's 19 million refugees were women and their dependents who needed blankets, food and protection from sexual assault. the UNIFEM was currently developing a Women's Human Rights Programme to promote the principle that the protection of women's human rights was fundamental to ensuring women's self-realization and full participation in the democratization of their societies. In collaboration with other agencies, UNIFEM would encourage cooperation at the operational level to, among other things, assist the Centre for Human Rights in devising more effective responses to violations of women's human rights, and increase inter-agency coordination in the campaign for the universal ratification of CEDAW before the year 2000.

RIGOBERTO GAUTO VIELMAN (Paraguay) recalled that since the restoration of democracy in his country, the people were exercising their fundamental freedoms. A general human rights mechanism was set up at the Ministry of Justice in order to promote and protect human rights. As democracy strengthened and peace took root in Paraguay, economic development would be enhanced. The technical cooperation and advisory services obtained from the Centre for Human Rights had contributed to the constructive development of democracy. Through democracy, the people of Paraguay could fulfil their aspirations towards a better life and a healthy society.

KURT NEUDEK, of the United Nations Crime Prevention and Criminal Justice Branch, said the United Nations crime programme had been strengthened over the past few years. Human rights depended on effective crime prevention policies and a well-functioning justice system. Furthermore, crime prevention and human rights were inexorably linked. Where societies were victimized through crime, corruption, police brutality and overcrowding and inhuman treatment of

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prisoners, citizens could not enjoy their human rights. He warned that efforts at crime prevention and control should take human rights into account or else they would become oppressive, defeating their purpose.

CHARLOTTE BUNCH, of the Third World Movement against the Exploitation of Women, speaking also on behalf of five other women's non-governmental organizations, said that women from all over the world were now watching the United Nations and this Commission in particular to see what concrete commitments would be made to fulfil the promising words of the Vienna Declaration. If women's human rights were to form an integral part of United Nations human rights activities, attention should be given to the integration of gender-specific abuses throughout the work of all rapporteurs, treaty bodies, and working groups. That required that various human rights conventions and mechanisms were closely examined in terms of how human rights violations manifested themselves in women's lives. Full inclusion of the female half of the population in human rights activities required more gender awareness and training for United Nations personnel carrying out human rights work. Progress towards this goal had begun and could be advanced rapidly, if governments and the United Nations showed the will to do so.

Discrimination against women at all levels had led to various forms of gender-based violence which was woven into all societal institutions, she said. Violence against women had become systematic and a pervasive feature of everyday life. The appointment of a Special Rapporteur on Violence against Women would be an important step towards documenting abuse of women and improving the protection of women's rights worldwide. A regular agenda item on women's human rights should be included for the annual sessions of the Commission. However, that should not substitute for the consideration of women's situation within other agenda items.

SOLOMON NFOR GWEI (Cameroon) said that his Government and other African countries had been caught up in the democratic process that was going on in other parts of the world. The democratic process in Africa was very fragile and fraught with human rights abuses that had caused destruction of life and property and untold sufferings. All that made Africa a priority area as far as the human rights causes was concerned.

The idea of creating institutions for the promotion and protection of human rights was hampered by the current economic crisis that was eating deep into the fabric of many African societies, he continued. Those already created were facing insurmountable operational problems due to lack of adequate resources. Yet if the rampant human rights abuses were to be checked, if governments were to be constantly reminded of their obligation to respect the international instruments and standards to which they were party, the strengthening of those institutions and the creation of new ones was an absolute necessity. Urgent steps needed to be taken to create the proposed special fund for the creation and strengthening of national institutions to be handled by the Centre for Human Rights.

CLOVER GROSS, of Human Rights Advocates, said an entire generation of indigenous people in Guatemala had been victimized by the military and their

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own Government. Numerous appeals had been made by the international human rights community to abolish the civil patrols, which committed grave human rights violations, but those had gone unheeded. The patrols had harmed the ability of indigenous populations to support themselves. The President had declared that the patrols would be converted into "Development and Peace Committees". However, that would raise concerns about the Government's interest in prosecuting civil patrollers who had committed human rights violations. The patrol system should be completely abolished before the task of forming truly voluntary Development and Peace Committees could begin to ensure that they did not become vehicles of suffering. Furthermore, people who did not agree with the patrol system were accused of being guerrillas or guerrilla sympathizers, and were routinely threatened, beaten, and even summarily executed.

ARIANE BRUWET, of the International Human Rights Law Group, speaking also on behalf of two other non-governmental organizations, said that the invisibility of gender-specific abuses was one of the principal obstacles to the universal realization of all human rights. Women were at the centre of daily struggles to build civil societies worldwide, but remained at the margins of United Nations and Government initiatives for creating democratic institutions and processes. United Nations development policies and programmes should recognize women's human rights as an independent goal and not merely as a means for promoting economic growth. The Group urged the Centre for Human Rights and the United Nations High Commissioner for Refugees (UNHCR) to exchange information concerning violations of the rights of internally displaced and refugee women.

ANDREW CLAPHAM, of Amnesty International, said that the Commission's treatment of the issue of human rights and mass exodus over the past decade had proved largely irrelevant to tackling human rights violations resulting in refugee movement. While too little attention had been given to addressing human rights violations causing refugee movements, there had been, particularly in recent years, a great deal of attention paid to the consequences of such violations -- the arrival of large numbers of refugees and asylum seekers in other countries. Governments complained about the "burden" of providing asylum, and increasingly sought to circumvent, avoid or ignore international obligations towards those who sought their protection. Indeed some Governments complained about the "burden" of housing refugees while at the same time pursuing repressive policies which led to people fleeing the country and thereby creating "burdens" for other countries. Protection of those who had fled, as well as effective action to tackle human rights violations which led to flight, were both essential in seeking solutions for the growing number of refugees in the world.

RACHEL BRETT, of the Friends World Committee for Consultation, said that no one institution or part of the United Nations system was alone capable of providing humanitarian assistance, physical protection and respect for fundamental human rights. Inter-agency cooperation was essential. It was important that the Representative of the Secretary-General be able to visit a broad range of countries where internal displacement occurred. Not only were further invitations from governments needed, but also sufficient human and

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financial resources. In addition, the Representative should be able to follow up on such visits and compile the existing legal standards relevant to the internally displaced.

ANDERS B. JOHNSSON, of the Inter-Parliamentary Union, said that the concepts of human rights and parliamentary democracy were strongly interlinked. History had quite convincingly shown that human rights could be adequately guaranteed only in conditions of greatest possible transparence of political and juridical decision-making. That implied the existence of guaranteed rights for the political opposition to the Government and full freedom of the media. Those freedoms could hardly exist without a pluralistic parliamentary system. The transition towards democracy which was taking place in a growing number of countries had made the need for assisting parliamentary institutions more acute than ever.

The world parliamentary community meeting at Paris in late March was expected to adopt a declaration on criteria for free and fair elections based on an analysis of legal norms and State practice, he continued. Electoral processes should not be viewed in isolation but as part of a continuum. In other words, there was a need not only to provide assistance prior to the elections but, possibly more importantly, to assist the elected bodies after the poll.

MARY TOM, of Caritas Internationalis, said that internal policies and practices which caused large numbers of persons to flee were a threat to international peace and security and there was a need to develop a legal foundation for protection and aid. Moreover, anti-personnel mines, which could remain a threat to civilians long after the cessation of hostilities, were not only one of the causes for displacement, but also a serious obstacle to resettlement. Wider and more systematic use could be made of existing mechanisms, for non-governmental organizations could supply the relevant human rights treaty bodies with reliable information concerning internally displaced persons. In addition joint endeavours of the Representative off the Secretary-General, the Department of Humanitarian Affairs, the International Committee of the Red Cross (ICRC) and the United Nations High Commissioner for efugees (UNHCR) should be encouraged.

DOROTHY THOMAS, of Human Rights Watch, said that what was most striking about the virtual epidemic of violence against women worldwide was the degree to which it was either committed by or tolerated by States and unaddressed by the international community. Violence against women in the home was compounded by discriminatory laws and practices that acquitted men of wife murder where they proffered the so-called "honour defence" or dismissed domestic violence as a "private" concern and not criminal battery. Trafficking of women and girls often occurred with the complicity of State officials, who either engaged in the practice or routinely failed to punish those involved. Unlike virtually any other human rights abuse, violence against women not only went unpunished but also undenounced. She strongly urged the Commission to add an item on women's rights to the agenda and ensure that the position of the Special Rapporteur on Violence against Women was adequately budgeted.

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FEDERICO ANDREU, of the International League for the Rights of Peoples, said that internal displacement was one of the major problems facing the international community and lasting solutions, in particular voluntary return, needed to be investigated more fully. It was vital that the study of the Special Rapporteur give attention to the causes of internal displacement. Internal armed conflict was one of the main causes, for calculated military strategy could result in expulsion or the movement of populations from one zone to another. The former Yugoslavia was an example. Such military doctrines were incompatible with humanitarian law and a violation of the relevant Geneva Convention.

DIEGO GARCIA-SAYAN, of the United Nations Observer Mission in El Salvador (ONUSAL), said that this first attempt to verify human rights improvements under an agreement signed by a country with a United Nations agency was a major experiment. It was a peace process. It was an attempt to reconcile and reunify Salvadorian society. Verification of human rights was to be the catalyst for all else. A permanent United Nations mission had been set up in the country and its monitors observed human rights, inspected police institutions and prisons, and reviewed complaints. The Government and the rival Frente Farabundo Marti para la Liberacion Nacional (FMLN) had been cooperative. The establishment of peace had done much to improve human rights. Still, much remained to be done, especially in the areas of Constitutional and institutional change.

WILDA SPALDING, of the International Association of Educators for World Peace (IAEWP), heartily supported the proposed United Nations Decade for Human Rights Education. Legislation without education invited tyranny, and education without legislation invited anarchy. In El Salvador, so many were hoping for so much. Tremendous efforts had been made, although not always achieved, to register its citizens to vote in the historic elections now less than one month away. However, substantiated reports of increased acts of violence and assassinations had caused grave concern. Violence had been menacing even those running for highest office. One of the strongest weapons for peace would be for the international community to respond to the Subcommission's appeal for generous world commitment, including funding, to enable the full implementation of the National Reconstruction Plan in El Salvador.

ALFRED FERNANDEZ, of the International Association for the Development of Freedom in Education, said that human rights had to be taught, although teaching that was not a simple matter. Education in such a wide-ranging and substantive topic was a complex undertaking. Among other things, it required combating illiteracy and providing all the world's people with high-quality education. It meant putting education back at the centre of development programmes. International education should be one of the basic options of every modern education system. The existence of both public and private educational systems within a country was important, so as to ensure reasonable choices for students and parents. Adequate financial resources were critical, although spending money did not in itself ensure good education.

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YVES DE MATTEIS, of the International Gay and Lesbian Association, called for the rights of gay and lesbian peoples to be recognized nationally and internationally. Homosexual couples, like heterosexual couples, should have laws to recognize the civil union contract. For example, that was recognized this month, when the European Parliament approved a resolution demanding an end to discrimination against homosexuals throughout Europe. Such laws were under consideration in several States, including Switzerland. Today, six countries authorized the immigration of a member of the same sex to rejoin his or her partner. Whenever couples of the same sex were forced to separate due to a lack of protective laws, a violation of human rights occurred.

ANNE HERDT, of the International Council on Social Welfare, in a joint statement by 39 non-governmental organizations, proposed that the Special Rapporteur on Violence against Women start her work immediately and study the causes and consequences of violence, as stated in the Declaration on the Elimination of Violence against Women of the Vienna Declaration and Programme of Action. The Rapporteur should seek and receive information from governments, intergovernmental organizations, and non-governmental organizations including women's groups and recommend measures for prevention and action against violence and its causes and consequences.

The Commission should consider the rights of women as a separate agenda item until the day when women's rights were fully integrated, she said. She believed that awareness of the human rights of women should form an integral part of the advisory services programme. The Centre for Human Rights should incorporate an equality component in the programme and ensure equal participation of women and men in training courses in human rights, especially in the administration of justice, and give scholarships to women and men on an equal basis. Regional and national arrangements should include provisions to train women. If the gender perspective was not included at the country level, the momentum for mainstreaming the human rights of women would be lost

ALEJANDRO TEITELBAUM, of the American Association of Jurists, said the Commission's agenda should be structured around serious systematic violations of human rights and around salient themes, such as the rights of minorities, the rights of women and children, and the rights of indigenous peoples. It would be a good idea for the Commission to meet in different regions of the world. The current budget for human rights was simply inadequate. The nature of negotiations with the military in Haiti was not satisfactory -- there could be no negotiating over human rights. Extremely serious violations in Colombia, Guatemala and Peru were not considered under item 12, although similar situations in other countries were. Scrutiny of Cuba called for similar scrutiny of the economic embargo imposed on that country by the United States. The Commission must pay as much attention to economic and cultural rights as it paid to political rights.

SUNG-HWA LEE, of Liberation, said that the forced displacement of Koreans before and during the Second World War included the sexual exploitation of an enormous number of women as "comfort girls" and other forms of slavery-like labour of children and the aged. The number of forcibly drafted Koreans reached more than six million, and similar crimes were committed by the

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Japanese Empire against the populations of China, Indonesia, Taiwan, the Philippines, Malaysia and other parts of the Asian and Pacific region. Japan had been trying openly, and often silently, to insist that the United Nations had no capacity to deal with violations that had occurred before its creation. However, there was a precedent, the Economic and Social Council resolution on the "plight of survivors of concentration camps" (E/1956 of 16 March 1951), as well as a number of other actions taken by the United Nations regarding war crimes and crimes against humanity committed by the Nazis. The survivors were suffering even today. Their honour would never be restored unless the perpetrators of the crimes were severely punished.

ROGER WAREHAM, of the International Association against Torture, said that in Angola close to a 1,000 people a day had died victims of a terrorist war carried out by the National Union for the Total Independence of Angola (UNITA). In no reports were the particular violations of the human rights of Angolan women included. In addition, the military junta in Haiti had continued its reign of terror and repression forcing tens of thousands to become internally displaced or suffer arbitrary detentions, beatings and assassinations. For black women in the United States, one form of violence was caused by environmental racism -- as their communities were used as dumping grounds for toxic waste. In addition, the ongoing differences in wages between white women and black women led to denial of access to health care and difference in quality when care was available, a violation of black women's human rights.

RUESTA DE FURTER, of the International Federation of University Women, said it was essential to ensure that the specific character of the human rights of women was fully taken into account in the Advisory Services Programme of the Centre for Human Rights. Furthermore, women should be included in the ranks of the experts charged with providing technical assistance to governments in that field. Equality and non-discrimination by sex should be set out clearly with regard to Constitutional activities. She appealed to the Secretary-General to provide funding for the Advisory Services Programme and also thanked the donor Governments for contributing to the voluntary fund.

KAREN PARKER, of the Sierra Club Legal Defence Fund, Inc., stated that poverty and land degradation went hand-in-hand. For example, it had been a factor in the long-standing conflicts between the people of Guatemala and a series of repressive regimes, where the Guatemalan military used environmental tactics as part of the overall military strategy. There was a need to develop programmes within the human rights bodies of the United Nations to address human rights and the environment. Meaningful access to information and full disclosure of potential environmental human rights violations were particularly important "prevention" rights. International funding programmes also could interfere with adequate prevention. In addition, some Governments, such as the United States, anticipating huge damage suits, had already initiated legal blocks, such as Government immunity doctrines. Setting up a responsible system to address prevention concerns should be part of the work of the new Human Rights Commissioner. An ombudsman could also provide needed coordination with other relevant international bodies.

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CARLOS MAURICIO MOLINA FONSECA (El Salvador) said the human rights situation in El Salvador could not be discussed in light of the past decade. Although new elements were bringing about changes, the violations had not completely disappeared. The Prosecutor's Office was making progress, and the greatest number of complaints received concerned violations of due process. The number of complaints against individuals was also very high. Because it was difficult to assess what was happening in human rights throughout the country, the Prosecutor's Office had opened up offices in different regions. The Office was also preparing a programme fully to investigate violations of human rights, including setting up a register of detainees. In addition, there was a programme of promotion and education of human rights for the public and, in particular, teachers, students and the armed forces.

PANG SEN (China) said that China attached great importance and gave active support to the International Year of the Family. Last May, the Government had invited representatives from 26 countries and areas in the Asia-Pacific region to Beijing for the regional preparatory meeting for the International Year. The meeting adopted the Beijing Declaration on the Family in the Asian and the Pacific Region and a report with 52 recommendations. A number of countries, including China, offered donations to the voluntary fund for the International Year. The family was the fundamental unit of society. There were more than 200 million families in China and the Government had always attached great importance to the role of the family. He was convinced that as activities progressed further, the International Year would have positive effects on strengthening family construction, promoting social progress and economic development.

MARZUKI DARUSMAN (Indonesia) said the formation of the Indonesian National Commission for Human Rights fulfilled a timely need for a number of human rights functions. In fact, the greater importance that was being given to human rights concerns by the public followed upon almost three decades of national economic development achievements. The vital significance of a national institution lay in its essential role in continuously sustaining the highest level of consciousness for the observance of human rights norms among the public and the Government, including the latter's enforcement agencies. They could obviously play an important and active role, not the least because human rights promotion and protection were not self-regulating processes, but had to be constantly strived for. The Indonesian Commission endorsed the organization of a third follow-up workshop to be convened in the Asia-Pacific region. The delegation also supported the formalization of the Coordinating Committee for National Institutions.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/537
25 February 1994

HUMAN RIGHTS COMMISSION CALLS FOR ALLEVIATION OF DEVELOPING NATIONS' DEBT BURDEN IN RESOLUTION ON RIGHT TO DEVELOPMENT

Texts relating to Extreme Poverty, Rights of Migrant Workers, Adequate Housing, Population Transfer among Seven Other Decisions Taken

GENEVA, 25 February (UN Information Service) -- The importance of alleviating the debt burden of developing countries and to implement additional debt-reduction measures, including further cancellation of the official debt and the adoption of urgent action with regard to the commercial debt owed by the developing countries, was stressed by the Commission on Human Rights under a resolution adopted this morning on the right to development. It affirmed that the debt payments should not take precedence over the basic rights of the people of debtor countries to food, shelter, clothing, employment, health services and a healthy environment. That resolution was adopted by a roll-call vote of 31 in favour to 12 against, with 8 abstentions.

Extreme poverty and exclusion from society constituted a violation of human dignity, and urgent national and international action was, therefore, required to eliminate them, reaffirmed another resolution adopted by the Commission.

By a resolution on the human rights and dignity of all migrant workers, the Commission called upon all Member States to sign and ratify or accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families as a matter of priority. The text was adopted by a roll-call vote of 39 in favour to none against, with 13 abstentions.

The Commission also acted on a number of other resolutions and decisions. Those related to the right of everyone to own property, promoting the right to adequate housing, the human rights dimensions of population transfer, the status of the International Covenants on Human Rights, and succession of States in respect of international human rights treaties. With the exception of the two roll-call votes noted, the Commission adopted all the other texts without a vote.

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Action on Resolutions

Under a resolution on the effects on the full enjoyment of human rights of the economic adjustment policies arising from foreign debt and, in particular, on the implementation of the Declaration on the Right to Development, the Commission stressed the importance of alleviating the debt and debt-service burdens of developing countries within the framework of the realization of economic, social and cultural rights. It also stressed the need to implement additional debt-reduction measures, including further cancellation or reduction of part of the official debt or debt-service, and the adoption of more urgent actions with regard to the commercial debt owed by developing countries.

The resolution emphasized that there was a need for new financial flows to debtor developing countries and urged the creditor countries and the multilateral financial institutions to continue to extend concessional financial assistance in order to support the implementation by the developing countries of their economic reform programmes. The Commission further affirmed that the debt payments should not take precedence over the basic rights of the people of debtor countries to food, shelter, clothing, employment, health services and a healthy environment. It requested the Working Group on the Right to Development to pay particular attention in its deliberations to the social repercussions of the policies adopted to face situations of external debt on the effective enjoyment of economic, social and cultural rights.

The resolution, as amended, was adopted by a roll-call vote of 31 in favour to 12 against, with 8 abstentions, as follows:

In favour: Angola, Bangladesh, Barbados, Brazil, Cameroon, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Ecuador, Gabon, India, Indonesia, Iran, Kenya, Lesotho, Libya, Malawi, Malaysia, Mauritania, Mexico, Nigeria, Pakistan, Sri Lanka, Sudan, Syria, Togo, Tunisia and Venezuela.

Against: Australia, Austria, Canada, Finland, Germany, Hungary, Italy, Japan, Netherlands, Poland, United Kingdom and United States.

Abstentions: Bulgaria, Cyprus, France, Peru, Republic of Korea, Romania, Russian Federation and Uruguay.

Concerning human rights and extreme poverty, the Commission reaffirmed that extreme poverty and exclusion from society constituted a violation of human dignity, and that urgent national and international action was, therefore, required to eliminate them; endorsed Subcommission on Prevention of Discrimination and Protection of Minorities resolution 1993/35, taking note of the preliminary report of the Special Rapporteur on human rights and extreme poverty; and approved his recommendations relating to the organization of a seminar on extreme poverty and denial of human rights, which will be held around 17 October.

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In addition, the Commission requested the Secretary-General to provide the Special Rapporteur with all necessary assistance for the fulfilment of his mandate, particularly his consultations with United Nations bodies, Governments, specialized agencies, intergovernmental and non-governmental organizations, including, as appropriate, assistance from those with experience of the subject; and urged States, United Nations bodies and other intergovernmental and non-governmental organizations, to give due attention, in celebrating the International Day for the Elimination of Poverty, to the relationship between extreme poverty and human rights, and to the situation of the poorest, who must be the focus of events.

Also concerning the right to development, the Commission welcomed the final report of the independent expert regarding the means whereby the right of everyone to own property alone, as well as in association with others, contributed to the exercise of fundamental freedoms; commended the efforts made by the independent expert to include in his report information on the failure in many parts of the world to protect the equal rights of women to own property; recommended that all relevant United Nations bodies take into consideration his recommendations; and concluded its consideration of the matter.

Acting on draft resolution IV submitted by the Subcommission, the Commission decided to extend the mandate of the Special Rapporteur on promoting the realization of the right to adequate housing by one year and invited him to submit a second progress report to the Subcommission at its forty-sixth session.

It also recommended a draft resolution for adoption by the Economic and Social Council, whereby the Council would approve the above resolution.

With regard to a draft decision submitted by the Subcommission, the Commission requested Awn Shawkat Al-Khasawneh, as Special Rapporteur, to continue the study on the human rights dimensions of population transfer, including the implantation of settlers and settlements; invited the Secretary-General to organize a multidisciplinary expert seminar on the human rights dimensions of population transfer; and invited the Special Rapporteur to undertake on-site visits, with the consent of the State concerned, to diverse, ongoing cases of population transfer.

Under a resolution on the status of the International Covenants on Human Rights, the Commission stressed to States parties the importance of avoiding the erosion of human rights by derogation; underlined the necessity for strict observance of the agreed conditions and procedure for derogation; and urged States parties to fulfil in good time their reporting obligations under the Covenants and in their reports to make use of gender-disaggregated data. It also requested the Secretary-General to consider ways and means of assisting States parties to the Covenants in the preparation of their reports; and requested him to provide the Human Rights Committee with additional means to deal effectively and in a timely manner with the increasing workload under the First Optional Protocol, as well as with one additional week of meetings during 1994, as an extended session.

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By a resolution on the succession of States in respect of international human rights treaties, the Commission requested the human rights treaty bodies to consider further the continuing applicability of the respective international human rights treaties to successor States, with the aim of assisting them in meeting their obligations; and requested the Secretary-General to encourage successor States to confirm their obligations under the international human rights treaties to which their predecessors were a party, as from the date of their independence.

Concerning the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Commission called upon all Member States to sign and ratify or accede to the Convention as a matter of priority, and expressed the hope that it would enter into force at an early date. It requested the Secretary-General to provide all facilities and assistance necessary for the active promotion of the Convention, through the World Public Information Campaign for Human Rights and the programme of advisory services in the field of human rights.

It also invited organizations and agencies of the United Nations system, as well as intergovernmental and non-governmental organizations, to intensify their efforts with a view to disseminating information on and promoting understanding of the Convention. It requested the Secretary-General to submit to the Commission at its fifty-first session a report on the status of the Convention.

That resolution was adopted by a roll-call vote of 39 in favour to none against, with 13 abstentions. The vote was as follows:

In favour: Angola, Bangladesh, Barbados, Brazil, Bulgaria, Cameroon, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Ecuador, Gabon, India, Indonesia, Iran, Kenya, Lesotho, Libya, Malawi, Mauritania, Mauritius, Mexico, Nigeria, Pakistan, Peru, Poland, Republic of Korea, Romania, Russian Federation, Sri Lanka, Sudan, Syria, Togo, Tunisia, Uruguay and Venezuela.

Against: None

Abstentions: Australia, Austria, Canada, Finland, France, Germany, Hungary, Italy, Japan, Malaysia, Netherlands, United Kingdom and United States.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

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25 February 1994

HUMAN RIGHTS COMMISSION CONDEMNS MASSACRE OF PALESTINIANS TODAY IN HEBRON

GENEVA, 25 February (UN Information Service) -- The Human Rights Commission this afternoon adopted a statement by its Chairman, Peter van Wullften Palthe (Netherlands), deploring the massacre early today of innocent Palestinian civilians in the West Bank town of Hebron, as well as the violence which followed, resulting in the loss of human life in the occupied Palestinian territories.

The Commission took note of the unequivocal condemnation of this act by the Israeli Government and demanded that the Israeli occupying authorities assume their responsibilities with respect to the prevention of such crimes and the punishment of those responsible. Such incidents, the statement concluded, were inherent in a system of violence which threatened the peace process.

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For information media--not an official record

United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/539
28 February 1994

COMMISSION ON HUMAN RIGHTS DEPLORES MASSACRE IN HEBRON

Also Adopts Resolutions on Minority Rights and Human Rights Bodies

GENEVA, 25 February (UN Information Service) -- The Chairman of the Human Rights Commission, Peter Van Wulfften Palthe, this afternoon read out a statement in which the Commission deplored the "massacre of innocent Palestinian worshippers in Hebron today, and the consequent outbreak of violence leading to loss of lives in the Palestinian occupied territories". The Commission took note of the unequivocal condemnation by the Israeli Government of the act, and urged the Israeli occupation authorities to fulfil their responsibility to prevent such crimes and to punish the perpetrators.

Prior to the Chairman's statement, the Commission, in adopting a resolution on the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religioun or Belief, voiced concern over acts of violence and hatred and condemned such acts based upon intolerance of religion and belief and upon religious extremism, as well as discrimination against women. It also encouraged the Special Rapporteur to offer advisory services to States at their request.

In another resolution, on the effective functioning of United Nations human rights bodies, the Commission requested the Secretary-General to set up a computerized database to improve the functioning of the treaty bodies and also to prepare an inventory of all international human rights standard-setting activities to improve decision-making.

Also this afternoon, the Commission resumed its consideration of the further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission, and on advisory services in the field of human rights.

The representatives of Lesotho, Sudan, Kenya, Japan, Greece, speaking on behalf of the European Union, and Chile took part in the debate.

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For information media—not an official record

Action on Resolutions

Under a resolution on the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief, the Commission condemned all acts of hatred, intolerance and acts of violence based upon intolerance of religion and belief and upon religious extremism, as well as practices of discrimination against women, and urged States to ensure that their constitutional and legal systems provided adequate guarantees of freedom of thought, conscience, religion and belief.

The Commission also urged all States to take all appropriate measures to combat hatred, intolerance and acts of violence and to encourage understanding, tolerance and respect in matters relating to freedom of religion or belief, and urged them to ensure that, in the course of their official duties, members of law enforcement bodies and public officials respected different religions and beliefs and did not discriminate against persons professing other religions or beliefs.

Furthermore, it encouraged the Special Rapporteur to continue to examine incidents and governmental actions in all parts of the world that were incompatible with the provisions of the Declaration and to recommend appropriate remedial measures. It also encouraged him to consider whether the programme of advisory services in the field of human rights might be of assistance to certain situations, at the request of a State, and to make appropriate recommendations in that regard, and called upon all States to consider disseminating the text of the Declaration in their respective national languages and to facilitate its dissemination in national and local languages.

Concerning a resolution on the effective functioning of bodies established pursuant to United Nations human rights instruments, the Commission called upon all States parties to fulfil without delay and in full their outstanding financial obligations, under the Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Commission also requested the Secretary-General to give high priority to establishing a computerized database to improve the efficiency and effectiveness of the functioning of the treaty bodies and requested United Nations Member States, in particular States which were parties to the various human rights instruments, to make generous voluntary contributions to cover the initial one-time cost of the proposed system.

The Commission urged the treaty bodies to examine ways of reducing the duplication of reporting required under the different instruments and of generally reducing the reporting burden on Member States; encouraged all treaty bodies to adopt the practice of examining States parties significantly delinquent in their reporting obligations even in the absence of their reports; urged all States parties whose reports had been examined by treaty bodies to provide adequate follow-up to the observations and final comments of

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the treaty bodies on their reports; and requested the Secretary-General to prepare an inventory of all international human rights standard-setting activities in order to facilitate better informed decision-making.

Statements

P.R. LEBOTSA (Lesotho) said that prior to the March 1993 elections, Lesotho was extended technical and financial assistance under the Advisory and Technical Services Programme. The general elections were indeed held and declared free and fair by the international observer community, including the United Nations. Following the elections, the Government had been faced with a mammoth task of reviving and ensuring the proper functioning of all socio-economic, political and legal structures. Review of legislation that had an impact on human rights was essential, including the establishment of institutional machinery that coordinated human rights activities. Lesotho had re-designated the Ministry of Justice and Prisons, to Justice and Human Rights, establishing a Human Rights Unit within it.

Lesotho was due for reporting under the Convention on the Rights of the Child, and the International Covenant on Civil and Political Rights, but had not yet done so because of lack of expertise in the drafting of human rights reports on a thematic basis, he continued. Perhaps the "Reporting Manual" produced by the Centre on Human Rights could be given effective dissemination through a series of workshops for interested Member States, he said. Local human rights training programmes were also in the pipeline for police, prison and probation officers, magistrates, prosecutors, judges, lawyers, and non-governmental organizations.

ABDULMONEIM HASSAN (Sudan) stated that his country had expressed its readiness to establish peace through negotiations with the rebels fighting his Government. The Government had already offered amnesty to the rebels so that they might benefit from it to return to civilian life. In order to initiate the peace process and solve the political problems, the Government had accepted a federal system of government. Peoples exercising religions other than Islam were exempted from the Islamic laws of Sharia, which was the national law.

As for displaced persons, he said that the armed conflict in the south had affected thousands of persons living in the region. Although the Government had so far implemented programmes of resettlement for those who had fled the conflict in the south, he denied that its armed forces hampered the distribution of aid by international organizations. He urged the international community to assist his country in overcoming its resettlement problems and to resolve the armed conflict. He reiterated his Government's willingness to cooperate with the international community in that respect.

D.D.C. DON NANJIRA (Kenya) said that in the search for various ways and means of promoting and encouraging the most efficient and effective realization of human rights, one informal exchange of views was not enough, and there should be at least two more such informals during this session. In presenting their shopping lists to the Centre for Human rights, the developing

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countries should indicate their priorities in the area of human rights and the exact needs sought to supplement national efforts. His delegation was constantly calling for the striking of a fair balance between civil and political rights, on the one side, which had been overstressed, and economic, social and cultural rights, on the other, which had been ignored for too long.

There was, therefore, an imperative need to create a permanent consultative mechanism on a global scale. On the question of refugees, displaced persons, returnees, repatriated persons, migrant workers and other similar "feet people", the donor community of nations and international organizations, etc., should look for ways and means of effectively dealing with those problems and the affected countries, such as Kenya, which usually lacked the resources or the necessary capacity to deal with them. Each Regional Group needed to identify its priorities and bring them here for discussion on how the agenda and working methods of the Commission should be improved, he stated.

SHUNJI MARUYAMA (Japan) said that attainment of the objectives set forth in the Vienna Declaration required strengthened national infrastructure. The technical assistance provided by the United Nations could help States to modify their institutions and infrastructures so that they met international standards. However, less emphasis should be placed on seminars and more on assisting institution building, creating national legal norms, training and education. More assistance should also be give to those who were just starting out on the road to democracy. The Voluntary Fund for Technical Cooperation in the Field of Human Rights needed to be strengthened. As Japan attached importance to the activities supported by the Fund, it had been contributing to the Voluntary Fund. The amount to be allocated to the Voluntary Fund would increase five-fold to $500,000 in fiscal year 1994. Japan had also contributed $200,000 in 1993 in support of a programme to train court judges in Cambodia.

EMMANUEL MEGALOKONOMOS (Greece), speaking on behalf of the European Union, said that the Centre for Human Rights should play an important role in coordinating system-wide attention for human rights and should assume a larger role in the promotion of human rights. Furthermore, the Centre should be assured adequate means for all its activities, in particular the system of thematic and country rapporteurs, working groups, treaty bodies and the programme of advisory services and technical assistance. The United Nations and its agencies were engaged in an impressive range of activities and programmes in human rights, but all too often those programmes lacked the strength and efficiency of overall vision and coordinated action and implementation.

The General Assembly had increased the resources dedicated to human rights, but the increase was insufficient, he said. The European Union urged the new High Commissioner for Human Rights to start as soon as possible the mapping out of a strategy to fulfil the important task of system-wide coordination. The coordination should go hand-in-hand with another

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responsibility which the General Assembly had entrusted to him, namely, the rationalization, adaptation, strengthening and streamlining of the United Nations machinery in human rights.

PEDRO OYARLE (Chile) said that it would be wise to study the possibility of establishing a category devoted to complex situations in which the political will to respect international obligations existed, but where there were insurmountable obstacles. Advisory services should help States in the transition to democracy by allowing them to reinforce State structures that guaranteed the formation of a human rights culture. It was also necessary that the services elaborated their specific programmes after establishing a diagnosis of the situation and the concrete needs of each country. Furthermore, the Centre for Human Rights, through its advisory services, should be incorporated into peace-keeping operations.

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United Nations

Press Release

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28 February 1994

FORMER YUGOSLAVIA SHOULD NOT BE DIVIDED ALONG ETHNIC LINES, SPECIAL RAPPORTEUR TELLS HUMAN RIGHTS COMMISSION

Tunisian Foreign Minister Condemns Massacre in Hebron; Special Rapporteur on Iraq Says Citizens Denied Food and Medicine

GENEVA, 28 February (UN Information Service) -- The former Yugoslavia should not be divided along ethnic lines and territorial gains won by force should not be the basis for a peace settlement, Tadeusz Mazowiecki, Special Rapporteur on the situation of human rights in the former Yugoslavia, said before the Commission on Human Rights this morning. He added that "ethnic cleansing" and other human rights violations continued there, and that democracy could not be established without the demilitarization of Bosnia and Herzegovina.

Also this morning, the Minister for Foreign Affairs of Tunisia, Habib Ben Yahia, condemned last week's massacre of Palestinian worshippers in Hebron. He called for the international community to protect the Palestinian people and to monitor the human rights situation elsewhere in the world, particularly in the former Yugoslavia. In Tunisia, he said, national mechanisms had been set up to monitor the human rights situation, including measures to safeguard voting rights in the upcoming elections.

On Iraq, the Special Rapporteur on the situation there, Max van der Stoel, said that Iraq was starving its people, in spite of the fact that food and medical supplies were exempt from the international blockade. He cited major human rights violations, including arbitrary and summary executions and torture, as well as the internal blockade organized by Iraq against the Kurdish population in the north. The military assaults and devastation of the southern marshes were also cause for concern, he said.

Before and after those addresses, debate continued on promotion of human rights and fundamental freedoms and on advisory services in human rights.

Statements were made by representatives from Poland, Romania, Australia, Austria, Iran and India.

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For information media--not an official record

Statement by Special Rapporteur on Former Yugoslavia

TADEUSZ MAZOWIECKI, Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia, said that the cruel practice described as "ethnic cleansing" continued. While strongly condemning perpetrators of such crimes, regardless of their nationality, one should not forget that the Bosnian Serb leadership initiated that policy, still pursued it, and firmly rejected any attempt to reverse its effects. The policy of "ethnic cleansing", characterized by equally brutal methods, had also been conducted in territories controlled by the Bosnian Croats. Human rights and international humanitarian law had also been violated in territories controlled by the Government of Bosnia and Herzegovina. Such violations sometimes had a very drastic character, as in the summary executions at Malijne and Uzdol.

An estimated 2 million people had been forced to leave their homes, he continued. The fate of those people depended to a large extent on the delivery of humanitarian aid, but there was constantly interferences with that aid, in particular by Bosnian Serbs and Bosnian Croats. Full implementation of recommendations concerning safe areas, humanitarian corridors and opening of the Tuzla airport would alleviate the worst consequences of the conflict. The Special Rapporteur said he continued to receive information about serious violations of human rights in the Federal Republic of Yugoslavia, in particular concerning the ethnic Albanian population in Kosovo. The situation in Kosovo was especially dangerous in that it could provide a conflict with irreversible consequences. The armed forces of Croatia were responsible for serious violations of humanitarian law in the region of Medak.

Today, The former Yugoslav Republic of Macedonia was a full member of the international community. Although there had been constructive actions towards an improvement of the legal system and the treatment of ethnic and national minorities, the situation of human rights in the country still left something to be desired. In the former Yugoslavia, some 16,000 children had been killed. Another problem concerned the disappeared. On pain of sanctions, parties to the conflict should be obliged to provide information and to undertake investigations of disappearances which had occurred at Vukovar and elsewhere.

United Nations-sponsored negotiations currently proceeding must take account of fundamental principals such as the inadmissibility of gains acquired by force, the right of just satisfaction for victims and, above all else, the right of the dispossessed to return to their home-places. Regardless of irreversible elements, the route to a future constructed on solid coexistence was not the route of division of the country along ethnic lines, but rather one which allowed effective action on the part of democratic movements. Such a path would be impossible without the demilitarization of Bosnia and Herzegovina.

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Address by Tunisian Foreign Minister

HABIB BEN YAHIA, Minister for Foreign Affairs of Tunisia, said that events today showed the need to adopt a world-wide comprehensive apprcach to human rights problems, peace-building and sustainable growth development. He affirmed that Tunisia had opted for human rights six years ago in a choice based on an objective domestic situation where peace, security, and economic and social development were important. Tunisia's structural programme had attained a 6 per cent growth rate. The economic and financial choices had demonstrated that Tunisia had chosen the right path, and its policies had enabled them to mobilize all the strata of the population.

The international community should monitor human rights around the world and highlight areas that needed reform, he said. Tunisia had set up national mechanisms to monitor violations. National associations as well as the Tunisian League for Human Rights Defence also had a constructive role in enhancing civil society. Tunisia was particularly interested in cooperation with non-governmental organizations and valued their contributions. Importantly, Tunisia, a multi-party democracy, was now preparing for legislative elections, and safeguards had been put in place for people to exercise their electoral freedoms.

He emphasized the importance of education in respect for human rights. The family was the basis for safety and security and all necessary instruments were provided for it. Tunisia in recent years had strengthened the gains of women through legislation to ensure greater equality of the sexes. More vulnerable groups, such as children and the elderly, were also protected, he said.

He drew the Commission's attention to the dangers of racism and discrimination against minorities, and in particular against migrant workers. One of the duties of the international community was to make more efforts to resolve the problems that threatened peace and security in areas such as the former Yugoslavia. A single standard was needed to confront those problems. He condemned the massacre in Hebron last week and called for the international community to protect the Palestinian people.

Report on Iraq Situation

Before the Commission under the agenda item was a report on the situation of human rights in Iraq, which noted, among other things, that the Special Rapporteur's efforts to pay a return visit to Iraq had so far failed to obtain a positive response from that Government. The Special Rapporteur concluded that extrajudicial, summary or arbitrary executions continued to occur in Iraq and that the legal order permitted such violations. Detailed reports of a large number of disappearances continued to reach the Special Rapporteur, relating mainly to events of previous years.

The Special Rapporteur saw no reason to conclude that any steps had been taken by the Government of Iraq to stop practices of torture or other cruel, inhuman or degrading treatment or punishment. He further observed that the

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effects of many human rights violations bore disproportionately on women and children. With regard to violations of human rights of specific ethnic and religious communities in Iraq, the driving motivation for most violations was political; in other words, the eradication of opposition.

The Special Rapporteur observed that certain individuals at the highest echelons of Government carried special and individual responsibility for a large number of violations and that international law would not accord immunity to those responsible. The report recommends, among other things, that irrespective of the Government of Iraq's position with regard to the stationing of human rights monitors within the country, sufficient human and material resources be provided for the sending of monitors to such locations as would facilitate improved information flow and assessment and would help in the independent verification of reports on the situation of human rights in Iraq.

Statement by Special Rapporteur on Iraq

MAX VAN DER STOEL, Special Rapporteur on the situation of human rights in Iraq, said that major human rights violations continued to occur in Iraq, including arbitrary and summary execution, torture, and violations of the human rights of women and children. Many people lived in conditions of near famine. Although Iraq claimed that was a result of the international blockade of Iraq, food and medical supplies were exempted from the blockade. Iraq had so far refused to sell oil to buy food and medical supplies, although the United Nations had authorized it under conditions that would include international monitoring.

The country had lost over $900 million in income through its refusal to sell oil under those conditions, and essentially it was starving its own population. The internal blockade organized by Iraq against the Kurdish population in the north meant that only 7 to 10 per cent of normal provisions reached that group, leaving the population very much dependent on international aid. Without it, the population could not survive, he stated. Armed attacks directed against United Nations staff and convoys had seriously disturbed aid programmes there.

The situation in the southern marshes was also cause for concern. Over the summer, there had been an environmentally catastrophic drying of the marshes, apparently caused by damming of the tributaries of the Tigris River. The process seemed to be an attempt to make military operations in the area more feasible and to devastate the livelihood of the Marsh Arabs. Military assaults and artillery bombardments had continued, and refugees gave horrifying tales of the situation there. Although Iraq undoubtedly would charge that documents cited in his report which showed a carefully planned campaign to violate human rights were falsifications, Mr. van der Stoel said he found it hard to believe that anyone could falsify so many documents over such a wide range of topics and dealing with mundane as well as traumatic matters.

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Views of Delegations

LUDWIK DEMBINSKI (Poland) said that the prevention of mass and grave violations of human rights and the solution of human rights-related conflicts were questions almost untouched by the Vienna Declaration. Many serious doubts had been raised as to how the international community might and should react to such breaches of international law. The elaboration by the Secretary-General of an Agenda for Human Rights would supplement and support the outcome of the Vienna Conference. It seemed useful to consider the idea of creating a Committee for Human Rights and Humanitarian Affairs within the General Assembly, while merging economic and social problems in another committee of the General Assembly. That could help give human rights a proper place among the major United Nations preoccupations.

The Commission should endorse the valuable efforts by the World Health Organization (WHO) and other organizations, including numerous non-governmental organizations, which had undertaken to assist people with HIV/AIDS, he continued. The Commission seemed to be in the position to establish a set of guidelines concerning the legal framework of the activities of civil defence forces, he noted. Those principles should include a statement that such forces would deploy only for the purpose of self-defence and would act according to law.

ROMULUS NEAGU (Romania) said that United Nations advisory services and technical cooperation in human rights were essential for international cooperation to promote and protect human rights. The recommendations of the World Conference were important, in particular those related to strengthening the rule of law. The advisory services and technical programme was an example where the programme had intervened at a timely moment in Romania. Assistance from the Centre for Human Rights was delivered promptly in various forms, including the help of experts. The information provided by the Romanian authorities and the Human Rights Centre showed the efforts used to implement a broad range of activities, in particular the seminars to train judges and prosecutors and briefing of non-governmental organizations. Romania hoped that they would continue to benefit from the services of the Centre in the 1994 activities directed towards training and education in human rights.

COLIN WILLIS (Australia) said that it was unfortunate that less attention was given to the obvious preventive peace-building capacities of the Centre for Human Rights. There should be a wider appreciation of the capacity of the Centre to provide expert advice and to work closely with States. National action plans could form the basis for proposals for assistance from the Voluntary Fund for Technical Cooperation. An encouraging example of what could be done in advisory services and technical assistance was Cambodia, where the Cambodian office of the Centre for Human Rights had taken over the work of the human rights component of the United Nations Transitional Authority in Cambodia (UNTAC) and established a range of programmes and activities to strengthen the human rights infrastructure in Cambodia. Adequate resources should be made available to enable the Centre and the

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Special Representative to fulfil their respective mandates. Australia urged other Governments to recognize the special needs of Cambodia and to contribute generously to the appeal of the Assistant Secretary-General.

CHRISTIAN STROHAL (Austria) said that improved coordination had several main aspects: coordination within activities governed directly by decisions of the Commission; coordination within the whole United Nations system; and coordination with Governments and non-governmental organizations. The processing of information for the various mechanisms of the Commission and the flow of information among them needed further strengthening. Work in the context of technical cooperation and advisory services was an especially important area for enhanced coordination.

Austria encouraged the Special Rapporteur to pursue the compilation of existing rules and norms relevant to internally displaced persons with a view to their evaluation and compilation. Austria also noted with interest the suggested development of a code of conduct for the definition of respective responsibilities towards internally displaced persons. It went without saying that the protection and assistance needs of women and children required particular attention. Pending the resolution of the issue of institutional responsibility for internally displaced persons, it was imperative that the Special Rapporteur be provided with the required tools for the accomplishment of his mandate.

SIROUS NASSERI (Iran) said that a growing mosaic of administrative and repressive measures developing in Europe and the West was aimed at diluting one of the oldest social institutions and basic fundamental human rights, the right to asylum. Although other countries followed the principle that violence and civil war were legitimate grounds for seeking asylum, the Western countries feared "human waves" attracted by the wealth of industrial societies. The word "economic migrant" thus emerged in the West to justify increasingly restrictive policies, and new refugees who were of a different colour or religion, or who did not look or behave like Westerners were barred.

Why was it that Iran, despite a costly war and an economy in transition, could host up to 5 million refugees, but the United States, which actively supported a change of regime in Haiti, could not afford to take the "boat people" and sent them back to face persecution? he asked. Switzerland, a country with democratic traditions which had benefited throughout the centuries from foreigners and refugees alike, was about to initiate an extensive expulsion of asylum seekers from Kosovo and send them to Hungary with whom a return agreement had recently been concluded. The same practice was under way with respect to Sri Lankans from Holland, and Bulgarians from Germany, Great Britain and the Scandinavian countries. The Commission should debate the matter.

SAVITRI KUNADI (India) said that it was not easy to talk in general terms about the socio-economic or legal status of women in India, because women cut across a number of socio-economic, cultural and religious groups in the country and enjoyed status depending upon the section or group to which they belonged. There were women who were highly educated, well trained, and

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commanded respect in society and occupied positions of authority, and there were women who were poor. Women belonging to some minorities continued to suffer from various legal handicaps and were at times unable to claim maintenance from their husbands or custody of small children. For working women, the law secured equal pay and maternity leave. However, women were not always in a position to enforce their rights because of a lack of awareness or capacity. To overcome that, the State had undertaken a programme of legal aid on a national scale. Education of women had also received considerable attention and special provisions had been enacted to check crimes against women.

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